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World Peace Foundation

# LEAGUE OF NATIONS

VOLUME III

1920

WORLD PEACE FOUNDATION  
40 MT. VERNON STREET, BOSTON

# World Peace Foundation

Boston, Massachusetts

\*FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force*.—Edwin Ginn.

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## A LEAGUE OF NATIONS

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# THREE MONTHS OF THE LEAGUE OF NATIONS

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## INTRODUCTION

"January 16, 1920, will go down to history as the date of the birth of the new world," said Léon Bourgeois, chairman of the Council of the League of Nations at its opening.

Edwin L. James in a copyrighted dispatch to the *New York Times* from Paris on that day said:

"The League of Nations is a reality. Modestly and democratically, it began to function this morning at 10.30 o'clock, when the Council opened its first meeting in the clock room of the French Foreign Ministry.

"Nine men gathered about a green covered table in one end of the salon of crimson and gold and put in motion the machinery of the most ambitious experiment in government man has ever essayed, while a hundred or more diplomats from the four corners of the earth looked on. The nine men gathered about the table started a work which may influence the lives of untold millions of humans for centuries to come.

"The sunlight, which Heaven sent to bless the day, shone full through the windows overlooking the Seine, and the sunlight threw a shadow across the green-covered table—the shadow of the empty chair. All who were there saw the shadow, remarked that the chair was empty and regretted it, and all agreed to keep the chair waiting until America should come to fill it.

"The shadow of the empty chair grew bolder in outline when Léon Bourgeois in his speech as presiding officer said:

"To-day, Gentlemen, we are holding the first meeting of the Council, convened by the President of the United States. The task of presiding at this meeting and of inaugurating this great international institution, which opens so wide a field of hope for humanity, should have fallen to President Wilson. We respect the reasons which still delay the final decisions of our friends in Washington, but we may all express the hope that these last difficulties will soon be overcome, and that a representative of the great American Republic will occupy the place which

awaits him among us. The work of the Council will then assume that definite character and that particular force which should be associated with it."

"Lord Curzon, speaking for the British Empire, concluded his address with an appeal for American participation in the League:

"While I am in entire agreement with all that M. Bourgeois has said, I should wish especially to express my full concurrence in his observations as regards the United States of America. The decision must be her own, but if and when the United States elects to take her place in the new Council Chamber of the Nations, the place is vacant for her and the warmest welcome will be hers."

Similar sentiments were eloquently voiced by the representatives of Italy and Brazil.

Two months later, the presiding officer at the Council's meeting was again M. Bourgeois, one of the most commanding figures in international life to-day, whose scholarly attainments are combined in rare measure with the practical sagacity of statesmanship and with a singular sanity of idealism. Basing his remarks upon the initial achievements of the League, he spoke on this occasion with great enthusiasm and confidence, answering critics of the League with a record of work already accomplished. At that time he said:

"The adversaries of the League of Nations are far from being disarmed. Skepticism regarding the international organization of law and peace has been regarded as the sign of an intellectual superiority. How often it has been said that prudent spirits, conscious of political realities and with knowledge of the facts and the laws of history, could not pay attention to the dreams of chimerical minds, dupes or accomplices of those who deny the idea of country. Further, indeed, that the Covenant of June 28 would remain a dead letter, and the League of Nations would not even be established.

"And yet the League of Nations is to-day a living thing. It has affirmed its existence, not by speeches but by acts. It has methodically and resolutely taken up the double duty which we have many times defined: The immediate task of collaborating in execution of the Treaty of Peace, and the future task of the creation of organisms in which international life will be manifested and strengthened in justice and in peace."

M. Bourgeois reviewed the work already accomplished by the Council and referred to the fact that the 13 neutral states had adhered as members of the League:

"Is this not the most eloquent and decisive of referenda? And does this not permit us to regard without emotion the press campaigns, and the alleged interviews,—formally denied by those to whom it is sought to attribute them,—and also all these maneuvers of individuals, in which the evident prejudices of internal policy surely hold a larger place than concern for the common welfare of nations?

"We are greatly honored by and keenly aware of the marks of appreciation which the Governments have successively given us. Ours are formidable tasks, which we will assume courageously. We do not, however, wish to exaggerate, but rather to adjust the burdens in proportion to the still incomplete strength of a young organism which has not yet attained its growth.

"Be that as it may, we note these facts with a favorable eye: When Governments regard problems as offering exceptional difficulties and as not susceptible of rapid solution, they intrust the study of them to us, and ask us for a solution of them.<sup>1</sup>"

When the League was three months old, this same competent and reliable witness felt justified in expressing his assurance as to the secure position already attained by the League in world affairs in the following confident terms:

"The usefulness of the League has now been definitely established, and it is no longer a theoretical organization or a 'splendid Utopia,' as it has been called by some people. The work of its Council is already sufficient proof that the League is a practical body. The Governments and peoples who want a difference settled or wish to make a complaint have already been coming to the Council, with the certainty that they are appealing to a powerful and moral authority which will be capable of having its decisions respected. All the delegates are inspired with deep feelings of humanity and strict justice. Enormous progress has been made in the direction of world peace. People believe in the League of Nations, and to provide it with the necessary means of action is all that now remains to be accomplished. This is really a question of good-will and common understanding."

<sup>1</sup>*Le Temps*, March 15, 1920, page 2.

## I. TREATY OF VERSAILLES COMES INTO FORCE

The Treaty of Peace with Germany, the first of the documents which together constitute the settlement of the World War, was signed at Versailles, June 28, 1919. Part I of that treaty as well as Part I of the Treaty of Peace with Austria,<sup>1</sup> signed at St.-Germain-en-Laye, September 10, 1919, that with Bulgaria,<sup>2</sup> signed at Neuilly-sur-Seine, November 27, 1919, and those with Hungary and the Ottoman Empire, which are still to be signed, is the Covenant of the League of Nations. All participants in the World War thus subscribed to that Covenant, China, which refused to sign the German Treaty, having signed that with Austria.

The Treaty of Versailles came into force January 10, 1920. Originally the date set had been the anniversary of the armistice, but it was postponed several times to give the United States the opportunity to enter on a par with the other states. The armistice conditions were, however, inadequate for meeting the problems of Europe, and on January 10 the Covenant of the League of Nations became effective by the signing at Paris of the following *procès-verbal*:

*Procès-verbal* of the ratification of the Treaty of Peace signed at Versailles, June 28, 1919, between the United States of America, the British Empire, France, Italy, Japan, Belgium, Bolivia, Brazil, Cuba, Ecuador, Greece, Guatemala, Haiti, Hedjaz, Honduras, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Siam, Czechoslovakia and Uruguay on the one hand, and Germany on the other hand, as well as of the following acts: Protocol signed on the same day by the same Powers and arrangement of same date between the United States, Belgium, the British Empire, France and Germany concerning occupation of the Rhine provinces.

In execution of the final clauses of the Treaty of Peace, the undersigned have met at the Ministry of Foreign Affairs at Paris, to proceed to deposit ratifications and to consign them to the French Government.

Instruments of ratifications, or notice of their dispatch, by the four Principal Allied and Associated Powers, that is to say:

<sup>1</sup>Ratified by Austrian President, October 25, 1919.

<sup>2</sup>Ratified by Bulgarian Sobranje, January 12, 1920.



The British Empire for the Treaty of Peace, Protocol and Arrangements;

France, for Treaty of Peace, Protocol and Arrangement;

Italy, for Treaty of Peace and the Protocol;

Japan, for Treaty of Peace and Protocol;

And by the following Allied and Associated Powers:

Belgium, for Treaty of Peace, Protocol and Arrangement;

Bolivia, for Treaty of Peace and Protocol;

Brazil, for Treaty of Peace and Protocol;

Guatemala, for Treaty of Peace and Protocol;

Panama, for Treaty of Peace and Protocol;

Peru, for Treaty of Peace and Protocol;

Poland, for Treaty of Peace and Protocol;

Siam, for Treaty of Peace and Protocol;

Czechoslovakia, for Treaty of Peace and Protocol;

Uruguay, for Treaty of Peace and Protocol,

Having been produced and after being examined having been found in good and true form, are confided to the French Government to be deposited in its archives.

Conforming to the provisions of the final clauses, the aforesaid French Government will give notice to contracting Powers of the deposit of ratifications at another time by states which are signatories of aforesaid Treaty, Protocol and Arrangement, but which have not been ready to proceed to-day to this formality.

In confirmation of which the undersigned approve the present procès-verbal and affix their seals.

Done at Paris, the 10th day of January, 1920, at 4.15 o'clock.<sup>1</sup>

#### NEUTRALS INVITED TO ACCEDE

Immediately after the signatures were placed to the procès-verbal, the fact that the treaty was in force was conveyed to the neutral Powers named in the Annex to the Covenant by a note of the President of the Interallied Peace Conference covering a certified copy of the treaty itself. This note was addressed to the Argentine Republic, Chile, Colombia, Denmark, Spain, the Netherlands, Norway, Paraguay, Salvador, Sweden, Switzerland and Venezuela, together with the following telegram to the chiefs of those states:

By the terms of Article 1 of the Annex of Part I of the Treaty signed

<sup>1</sup>New York Times, January 11, 1920.

at Versailles, June 28, 1919, between the Allied and Associated Powers and Germany, the Argentine Republic (etc.) is invited to accede to the Covenant of the League of Nations within two months of the coming into force of the said Treaty.

I have the honor to inform your Excellency that the Treaty of Versailles having, in conformity with the final clauses, been ratified by Germany, on the one hand, and on the other, by several Allied and Associated Powers, including the British Empire, France, Italy and Japan, it has been brought into force to-day, January 10, 1920, that a duly certified copy of this Treaty has been forwarded this day to His Excellency the Ambassador [or Minister] at Paris.<sup>1</sup>

### MEMBERSHIP IN THE LEAGUE

Original members of the League of Nations are determined in two ways. There are first "those of the signatories which are named in the Annex to this Covenant"; and secondly, "those other states named in the Annex," which "shall accede without reservation to this Covenant" within two months of its coming into force.

The states omitted temporarily are:

1. The former enemy states: Germany, Austria, Hungary, Bulgaria and the Ottoman Empire.

2. States resulting from the breakup of Russia, each of which on its establishment of permanent government "may become a member of the League if its admission is agreed to by two-thirds of the Assembly," provided that "it shall give effective guaranties of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League as regards its naval, military and air forces and armaments." The separate entities distinguishable in Russia include the Republic of Finland,<sup>2</sup> Republic of the Ukraine,<sup>2</sup> Republic of Esthonia,<sup>2</sup> Republic of Lithuania, Livonia, Courland, Latvia, the Murman Government, the Federal Republic of Russian Soviets (Bolshevist Russia), Republic of the Don, the Republic of Georgia,<sup>2</sup> Kuban, the Government of North Russia, the Government of Northwestern Russia, the Tartar-Bashkir Republic, the Taurida Republic, the Terek Republic, the Republic of Turkestan, the Republic of

<sup>1</sup>*La Paix par Le Droit*, xxx, 43.

<sup>2</sup>Request for admission referred to the first meeting of the Assembly.

Siberia and the Republic of Yakutsk. In the same category, though non-Russian, are the Republic of Azerbaijan, the Republic of Armenia and Iceland.

3. States existent before the war but which were not included in the settlement: Abyssinia, Afghanistan, Andorra, Bhutan, Costa Rica, Liechtenstein, Luxemburg,<sup>1</sup> Mexico, Monaco, Nepal, Oman, and San Marino.<sup>1</sup> Several of these states have in reality no possibility of independent sovereignty, but are technically rated as independent. Those which are in a position to take a place in the family of nations will be admissible to the League of Nations under the same conditions as those in the second category.

For the present the League of Nations is made up from the states which signed the Treaty of Peace with Germany and the neutrals named in the Annex to the Covenant. For the sake of presenting the facts in the most summary form the following tabulation is published:

### *Ratification of the Treaty of Versailles*

#### PARTY OF THE SECOND PART

*Germany*—Resolution of German National Assembly, passed by a vote of 208 to 115, July 9, 1919; ratification by President Ebert, July 9, 1919; the President of the Peace Conference in a letter of July 11 to the German Delegation at Versailles acknowledged receipt of the German ratification for deposit as follows:

You have been good enough to inform me by letter, dated July 10, that the President of the German Empire (*Reich*) had approved on the 9th of this month, without approval by the legislative assemblies, ratification of the Treaty of Peace, signed June 28 last, of the annexed protocol, and of the agreement concerning the military occupation of the Rhine districts, signed the same day. The single instrument of ratification has been deposited with the Secretary-General of the Conference.

#### PARTIES OF THE FIRST PART

*United States of America*—Treaty submitted to United States Senate for advice and consent to ratification, July 10, 1919; reported to the Senate by its Committee on Foreign Relations,

<sup>1</sup>Request for admission referred to the first meeting of the Assembly.

September 4, 1919; 46 amendments defeated; with reservations, failed of two-thirds vote, November 19, 1919; Senate negotiations on form of reservations; again failed of two-thirds vote, March 19, 1920; treaty returned to President, March 20, 1920.

*The British Empire*—Ratification deposited at Paris, October 8, 1919 (procès-verbal of January 10, 1920), covering ratifications as follows:

*United Kingdom of Great Britain and Ireland*—Bill passed Parliament July 25, with royal assent July 31.

*New Zealand*—Parliament, September 2.

*Canada*—Senate, September 4; House of Commons, September 11.

*Union of South Africa*—House of Assembly, September 2; Senate, September 12.

*Australia*—House of Representatives, September 19; Senate, October 2.

*India*—July 31.

*France*—Passed by Chamber of Deputies, 372 to 53, October 2, 1919; passed by Senate, 217 to 0, October 11, 1919; ratified by President, October 12, 1919; deposit of ratification, October 13, 1919; procès-verbal of January 10, 1920.

*Italy*—Royal decree, October 7, 1919; procès-verbal of January 10, 1920.

*Japan*—Approved by Council; ratified by Mikado, October 27, 1919; procès-verbal of January 10, 1920; deposited March 19, 1920.

*Belgium*—Parliament unanimous, August 8, 1919; ratification, September 16, 1919; procès-verbal of January 10, 1920.

*Bolivia*—Ratification, November 17, 1919; procès-verbal of January 10, 1920.

*Brazil*—Ratification, December 2, 1919; procès-verbal of January 10, 1920.

*China*—Peace with Germany declared, September 15, 1919.

*Cuba*—Ratification, February 4, 1920; deposited, March 10, 1920.

*Ecuador*—To be submitted to Congress which meets August 10, 1920, the treaty not having reached Quito in time for action by last Congress.

*Greece*—Ratified.



*Guatemala*—Ratification, October 1, 1919; procès-verbal of January 10, 1920.

*Haiti*—

*The Hedjaz*—

*Honduras*—Ratified by Congress.

*Liberia*—

*Nicaragua*—Ratified, April 6, 1920.

*Panama*—Assembly, unanimous, January 9, 1920; procès-verbal of January 10, 1920.

*Peru*—Ratification, ; procès-verbal of January 10, 1920.

*Poland*—Parliament voted, 245 for to 41 against, July 31, 1919; ratification, October 28, 1919; procès-verbal of January 10, 1920.

*Portugal*<sup>1</sup>—Senate and Chamber of Deputies, April 1, 1920; ratified, April 6, 1920; deposit, April 8, 1920.

*Rumania*—Royal decree, April 7, 1920.

*Serb-Croat-Slovene State*—February 10, 1920.

*Siam*—Ratification, September 4, 1919; procès-verbal of January 10, 1920.

*Czecho-Slovakia*—Ratification, December 23, 1919; procès-verbal of January 10, 1920.

*Uruguay*—Chamber, October 18, 1919; ratified, October 24, 1919; procès-verbal of January 10, 1920.

#### STATES INVITED TO ACCEDE TO THE COVENANT

*Argentine Republic*—Adhesion notified to Paris, July 18, 1919.

*Chile*—Senate unanimously approved, August 5, 1919; House of Representatives, August 16, 1919; adhesion filed November 14, 1919.

*Colombia*—Approved by Congress, November 8, 1919; adhesion filed.

*Denmark*—Adhesion filed, March 10, 1920.

*Netherlands*—Bill presented to Parliament, January 15, 1920; resolution passed by Chambers, February 19 and March 5, 1920; adhesion filed, March 10, 1920.

*Norway*—Unanimous report of committee advising adhesion, October 12, 1919; adhesion voted by Storting, March 5, 1920,

<sup>1</sup>The bill introduced January 31, 1920, asserted the right of Portugal to retain German property as indemnity for war damage; the ratification demanded the incorporation into Portuguese territories of Kionga south of Rovina.

100 for to 20 against; adhesion filed, April, 1920, saying: "In accordance with its traditions, it shares the great idea on which the League is based, which in its eyes represents the most considerable effort made up to the present to develop the rule of justice among nations, and that the future of the League depends essentially upon a development based on the accession of all civilized nations, a general limitation of armaments and the obligation to settle peaceably all international disputes in order to avoid war."

*Paraguay*—House, October 29, 1919; Senate, November 13, 1919.

*Persia*—November 21, 1919.

*Salvador*—Executive decree ratified, March 11, 1920; adhesion filed, March 10, 1920.

*Spain*—Approval by Parliament, August 7, 1919; adhesion filed, August 14, 1919.

*Sweden*—Proposal of adhesion submitted to Riksdag, February 18, 1920; adhesion filed, April, 1920.

*Switzerland*—Vote of National Council, November 11, 1919, 105 for to 49 against; resolution of National Council, February 13, 1920; adhesion approved by National Council, March 2, 1920, by vote of 114 to 55; by Council of States, March 5, 1920, by vote of 30 to 6; plebiscite, May 16, 1920.

*Venezuela*—Adhesion filed, March 10, 1920.

### "FRESH CHAPTER IN WORLD'S HISTORY"

Of all the states participating in the formalities which brought the Treaty of Versailles, only one showed officially any adequate appreciation of what was happening. The Mikado of Japan, however, doubtless said the historic thing in a rescript issued to his people, which amply deserves notice in these pages. He said:

"It is a source of deep rejoicing to us that the gigantic war which has plunged the whole world into unspeakable consternation for the past five years has at last come to an end through the valiant and unstinted efforts of the Powers in alliance with us and that the peace of the world has thus been at length restored. The final reparation of the result of so great a catastrophe and the guaranty of the reign of tranquility in the future, needless to say,

depends altogether upon the wholehearted co-operation of all the Allied Powers.

“With these considerations in mind, we dispatched our delegates to the Peace Conference which was lately held in France with instructions to participate in its deliberations. We are now much gratified to know that a new treaty looking to the establishment of perpetual peace has been arrived at, and the foundation of a League of Nations laid down, while, at the same time, we are fully conscious of the heavy responsibility henceforth devolving upon our country.

“At the opening of this fresh chapter in the history of the world and in view of the tremendous changes in its aspects, however regarded, we hold it to be high time that all loyal Japanese subjects should address themselves with the best endeavors at their command to the task of adapting their activities to the onward march of events.

“We therefore call upon our subjects that, keeping this cardinal aim constantly before them, they should in the first instance work for the attainment of that durable peace contemplated by the institution of the League of Nations, always abiding by the principle of universal justice and following the path of progress of the world.

“It is at the same time our earnest hope that they will make it their guiding principle to keep to a sound and wholesome fashion of living, eschewing as unworthy of them all forms of frivolity and luxury, and will devote their efforts to furthering the advancement of the national resources with a view to keeping pace with the advance of human progress.

“Trusting that we may enjoy forevermore the blessings of peace and tranquility, together with the whole company of friendly nations, we give expression to our ardent hope that, relying upon the undivided co-operation of our loyal subjects, we shall accomplish the task of advancing the general welfare of the entire people and of spreading throughout the land the utmost benefits of civilization, so as to crown the past achievements of our forefathers with imperishable glory, and we hereby enjoin upon our loyal subjects to fulfil our wishes herein expressed.”

## II. ORGANIZATION OF THE LEAGUE OF NATIONS

The Plenary Session of the Interallied Peace Conference adopted the text of the Covenant of the League of Nations as it stands in the treaties during a session held at Paris on April 28, 1919. At the same time a vote providing for the organization of the League was passed in the following form:

That the powers to be represented on the Council of the League of Nations are requested to name representatives who shall form a committee of nine to prepare plans for the organization of the League, and therefore the establishment of the seat of the League, and to make arrangements and to prepare the agenda for the first meeting of the Assembly; this committee to report both to the Council and to the Assembly of the League.

The Organization Committee held its first meeting at the Hotel Crillon, Paris, on May 5. Sir Eric Drummond was invited to attend the meetings as acting Secretary-General and the committee itself was organized with the following membership: M. Pichon, France, chairman; Edward M. House, United States; Lord Robert Cecil, Great Britain; Marquis Imperiali, Italy; Viscount Chinda, Japan; M. Rolin Jaequemyns, Belgium; M. Venizelos, Greece; José Quiñones de Leon, Spain, and Antonio O. de Magalhaes, Brazil.

Before the Treaty of Versailles was signed on June 28 organization of the provisional offices of the League was begun, with Sunderland House, London, as the headquarters. The organization was completed on paper before the entrance of the treaty into force enabled the League itself to function. The Secretary-General, Sir James Eric Drummond, was named in the Annex to the Covenant. By Article 6 the secretaries and staff of the Secretariat are appointed by him with the approval of the Council. This provision enabled him, working in connection with the Organization Committee, to select his associates. First among these are under secretaries-general from France, Italy and Japan, while an American place is vacant until the United States reaches a decision on the treaty. The under secretaries-general are equal



in rank and each of them is competent to serve as the secretary-general's deputy on any business of the League. Both governmental departments and private publishers were circularized with a view to collecting the library necessary for the use of the League, and many other phases of organization were initiated.

#### PRELIMINARY DECISIONS AS TO ORGANIZATION

The Organization Committee itself advanced the status of the League in many ways by temporarily approving plans of the Secretary-General and by taking decisions of its own. At a committee meeting at the Hotel Crillon, Paris, on June 10, the Secretary-General presented a memoir concerning the organization of the League. A general discussion followed, as a result of which the following resolution was adopted:

It will be essential for the League to anticipate and to be informed as rapidly as possible of all important subjects of political, economic, financial, social and other characters in all parts of the world. Every state member of the League will consequently make known to the international Secretariat all appropriate information.

The commission was also agreed upon recommending that "the Governments of states members of the League shall take into consideration the services of their national officials in the international Secretariat," thus facilitating for the League solution of the problem of securing from national administrations the experts needed for business of international concern.

Article 7 of the Covenant provides that "the seat of the League is established at Geneva." The realization of that provision was recognized to depend upon the attitude of Switzerland, which in due course would be invited to accede to the Covenant. The City of Geneva voted to accept the honor accorded to it and designated a site for the eventual home of the international organization. This site lies about eight miles outside of the city between the villages of Genthod and Versoix and between the north bank of Lake Lemman and the French frontier. It consists of five or six square miles of ground with a lake frontage. The Soussure and Pourtalès chateaux, dating from 1783 and 1850, respectively, are upon the grounds, which were selected by a commission representing the Peace Conference late in May. Belgium has, however,

strenuously put in a claim to secure the seat of the League for the City of Brussels and this is one of the considerations which has retarded the completion of plans for a permanent home for the League of Nations.

### TEN SECTIONS ALREADY ORGANIZED

The provisional organization of the League has been made as a result of a careful analysis of the duties devolving upon the Secretariat. There can, of course, be no certainty that the present arrangement will be final, and in fact the organization has been fundamentally so constructed that it will be possible to add new duties either by the assignment of increased functions to existing sections or by adding new sections to the Secretariat without disturbing the organization. The sections now existing are the following:<sup>1</sup>

1. Political.
  2. Legal.
  3. Economic and Financial.
  4. Administrative Commissions and Minority Questions.
  5. Transit and Communications.
  6. Information.
  7. Mandates.
  8. International Bureaus.
  9. Registration of Treaties.
  10. Social Questions and Health.
- The work assigned to these sections may be shortly summarized.

### POLITICAL SECTION

This serves as a means of communication between the Secretariat and national Governments. It will be both a research and corresponding bureau on political matters. The section will probably be divided into geographical divisions with a national from the region in question at the head of each division. Investigation by travel and inquiry are the obvious methods for securing the necessary information for this section, which will prepare material both for the use of the League and for transmission in the

<sup>1</sup>Much of the information given in expanded form below is due to an article, "The League at Work," in the *North American Review*, April, 1920.

form of reports to member states. It will fall to this section, if the occasion should arise, first to consider the facts if any member state should exert the "friendly right" under Article 11 "to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends." The director of the section is Paul Mantoux, the talented interpreter for the Interallied Peace Conference.

### LEGAL SECTION

This section will have about the duties of the offices of the counselor and the solicitor in the Department of State of the United States. The counselor studies and handles advanced legal questions which are referred to him, while the solicitor's office is responsible in a general way for the determination of the questions of law arising in the work of the department. The Legal Section of the League of Nations will have duties of both types. Any question raised in any part of the organization respecting the meaning or implication of the constituent treaty will of necessity be referred to this section for solution. Legal questions arising in the work of any of the numerous commissions which in the course of time will depend upon or report to the League would naturally be referred to this section.

Article 19 provides that "the Assembly may from time to time advise the reconsideration by members of the League of treaties which have become inapplicable." The Assembly would naturally be guided in any action under this provision by the opinion of the Legal Section, whose normal duties in this respect might well become extensive. For the Legal Section will have a large task in drafting projects of treaties and conventions codifying international practice for the Assembly, which is the law-making body of the League.

And in performing this task its experts will of necessity become more familiar with the treaties of the various members respecting the subject matter under discussion than their own nationals; so that it would be a matter of convenience all around for the Legal Section to report to the various states wherein their treaties would be affected by the proposed general conventions.

By Article 14, "the Council shall formulate and submit to the members of the League for adoption plans for the establishment of a permanent Court of International Justice." The Council has appointed this committee and it becomes the duty of the Legal Section to serve it in a secretarial capacity, while one of its future duties will be to serve as the contact between the Court and the Council of the League.

### ECONOMIC AND FINANCE SECTION

This section is under the direction of J. A. Salter, who performed valuable duties as secretary of the Allied Maritime Transport Council during the war and of the Supreme Economic Council during the armistice period. The section's duties will be primarily informative, and for the first time in history it will make possible the compilation and summarizing of adequate statistics on the economic conditions of the world as a whole. While no decision has been reached on the point, it may safely be predicted that the section will issue a statistical periodical. Its principal duty under the Covenant will be to provide the Council, the Assembly, and other organs of the League with the fundamental economic information required by them. As the economic boycott provided for in Article 16 is a new method of international constraint, it will fall to the experts of this section to study it in all its bearings and to report to the Council concerning the practical measures necessary for its efficacy, in case it should be invoked.

At the second meeting of the Council a resolution was passed calling for a conference of the financial experts of the world with a view to "studying the financial crisis and to look for the means of remedying it and of mitigating the dangerous consequences arising from it." The Economic and Finance Section will perform secretarial duties at this conference.

This section was the first organ of the League to accomplish work of public interest. It invited members of the International Institute of Agriculture and of the International Statistical Institute to a conference in London on August 14-15, 1919, to discuss the relation of the League with those institutions—one of which was official and the other unofficial,—and also, in general, the way in which the League could profitably assist the development



of international co-operation in statistics. The summary of suggestions at this conference is given as follows:

1. That the institution of a Central Advisory Council on Statistics, to meet normally at the seat of the League, is desirable; this Council being constituted partly of members of the separate statistical bodies referred to hereafter, and partly of statisticians and other persons nominated by the League. Such persons to include some who are concerned rather with the use of statistics than with their preparation.

2. That, in principle, there should be a separation of the main classes of statistics, and that these should be intrusted to several different bodies or institutions working in conjunction with the League.

3. That these bodies should be, in the case of agricultural statistics, the International Institute of Agriculture at Rome; in the case of labor statistics, the International Labor Office; and, for the time being, in the case of demographic statistics, the Permanent Bureau of the International Institute at The Hague.

4. That a committee be appointed to consider the definite distribution of statistical work between the various bodies connected with, or proposed to be connected with, the League of Nations, and to make suggestions, if thought desirable, for the establishment of other bodies than those already referred to.

5. That the appointment of such a committee, if thought advisable, should be undertaken by the Secretary-General of the League of Nations.

6. That the above committee, if appointed, should prepare a report for submission to the Secretary-General on the matters referred to.

7. That, when the report is completed, the Secretary-General should endeavor to obtain the views of international statisticians upon the questions dealt with in as representative a manner as possible.<sup>1</sup>

The Supreme Economic Council in session at Paris on February 8 passed the following resolution:

It has been decided to ask the League of Nations when it is proposed to begin the study of economic questions and to examine with it, if and when, it will be in a position to take over the duties of the Supreme Economic Council. The permanent committee of the Supreme Economic Council is charged with presenting to the Council at its next session a report on the question.

<sup>1</sup>League of Nations, E. & F. 1. Conference on International Co-operation in Statistics, August 14 and 15, 1919.

## ADMINISTRATIVE COMMISSION SECTION

The Peace Treaty assigned to the League of Nations numerous duties which were of a continuing nature or where the element of justice was important. Most of these duties have relation to the appointment or supervision of commissions for certain reserved areas or for the control in some measure of boundary delimitations. Such permanent or semi-permanent organs as the Reparation Commission will have continuous relations with the League, and in these circumstances the Administrative Commission Section will act as the liaison office. There are in the treaties of peace and the supplementary arrangements numerous provisions for the proper carrying out of which the League is made responsible; the arrangements for protecting racial, religious or linguistic minorities, for instance. The treaties of peace contain guaranties on these subjects not only as respects populations left under the sovereignty of former enemies, but also as respects those transferred to another sovereignty. Separate treaties containing the same guaranties have been negotiated with Poland, Czecho-Slovakia, the Serb-Croat-Slovene State and Rumania.

Such activities will be the subjects of reports to the Council by this section. At the present time the commissions for the delimitation and the government of the Saar Basin and the control of Danzig exist.

## TRANSIT SECTION

At the second meeting of the Council, on February 13, the Spanish representative submitted a report on the duties of the League of Nations as to transit, ports, waterways and railways. He pointed to the necessity of creating an administrative organization, which should be constituted by a permanent committee on communication and transit, and which will assume the character of an advisory body of the League of Nations. To prepare this long and important work of organization, it would be necessary, he said, to create within the League of Nations a body which would lay before the Council investigations, information and opinions on the immediate application of clauses of the Covenant and the Peace Treaties.<sup>1</sup>

<sup>1</sup>The provisions referred to are Article 23 (e) of the Covenant, Part XII of the Treaties of Peace with Germany and Austria, Part XI of that with Bulgaria, and the analogous parts of those with Hungary and the Ottoman Empire.

"We must not lose sight of the fact," he said, "that there already exists an expert commission which has been concerned in these matters, and to which we may apply at once for their execution. This commission has been officially charged with a similar mission which, with an extended constitution, has continued to exist unofficially, and has actively carried on the examination of these problems. This is the Commission on the International Régime of Ports, Waterways and Railways created at Paris, which fulfilled the duties of an advisory body to the Peace Conference.

"To attain the end in view it would seem wiser, in place of creating a new body without experience, to utilize the one already in existence, which is expert in the consideration of these questions, which has accumulated a considerable fund of information for their solution, and which has profited by the examination of practical cases. It goes without saying that the Council, by resolving to utilize this commission as an advisory body, does not anticipate the solution of any fundamental question concerning the examination of questions concerning the freedom of communications and transit."

Señor Leon submitted to the Council the following conclusions:

(a) To submit to the Council proposals for the formation of a permanent organization, as part of the organization of the League of Nations, concerning communications and transit.

(b) To prepare, for submission to this organization, drafts of general international conventions with regard to transit, waterways, ports, and, if possible, railways.

(c) Provisionally, and until the organization has been formed, to advise on questions which the Council may think fit to submit to it, and which fall within the jurisdiction of the League of Nations under the terms of Article 23 of the Covenant of the League, and of the articles in the various Peace Treaties relating to ports, waterways and railways.

The report was unanimously adopted.

The commission referred to as an advisory body to the Inter-allied Peace Conference was reorganized late in 1919, as an International Commission for the Study of Freedom of Communications and of Transit at Paris on the invitation of the French Government, because "it believed it to be desirable that there should be a connection between the preparatory work undertaken by certain committees of the Peace Conference and the task of the

League of Nations.”<sup>1</sup> The Dutch Government was invited to send representatives. After the above resolution was passed, the commission voted to accept the invitation of the League of Nations. It accepted the conclusions of the report of the Council on the permanent organization of communications and of transit under the League of Nations as its program. For the permanent organization the Council will prepare the necessary regulations.

### INFORMATION SECTION

Publicity is the purpose of this section, which will correspond fairly closely to the press bureaus of the various chancelleries. To it will come in large measure the inquiries of private persons concerning the work of the League in any of its departments. Public statements will be issued through it, probably in the official form familiar in Europe, known as the communiqué. The Council has decided that its opening sessions and those in which decisions are rendered will be public. Press arrangements for those sessions will fall within the scope of this section. When the Assembly begins to function within a few months, it will be a body of some 150 representatives and officials conducting business along parliamentary lines; and the publicity arrangements will be made by the Information Section.

### MANDATES SECTION

Article 22 of the Covenant declares that to peoples not yet able to stand by themselves under the strenuous conditions of the modern world “there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.” It is declared that the tutelage of such peoples should be intrusted to advanced nations, “and that this tutelage should be exercised by them as mandatories on behalf of the League.” It is further provided:

In every case of mandate, the mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by

<sup>1</sup>*Bulletin de l'Institut intermédiaire international*, II, 352, 383; *Le Temps*, October 26, 1919; League of Nations Official Journal, March, 1920, 38-42.



the mandatory shall, if not previously agreed upon by the members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the mandatories and to advise the Council on all matters relating to the observance of the mandates.

Besides this, Article 23 (*b*) pledges the members of the League respecting just treatment of native inhabitants in territories under their control and intrusts the League with general supervision of trade in arms and ammunition in backward countries.

The duties under these provisions are those of the Mandates Section, the head of which will probably be the secretary of the permanent Commission. All matters relating to native populations will naturally be of interest to this section, which will be divided into subsections for the proper conduct of its activities.

This section has a good deal of work already cut out for it. The former German overseas possessions have been allocated in accordance with a decision of the Supreme Council on May 6, 1919, as follows:

German East Africa, to Great Britain and Belgium; German Southwest Africa, to the Union of South Africa; German possessions in Pacific Ocean, south of the equator, other than Samoa and Nauru, to the Commonwealth of Australia; Nauru, to the British Empire; Samoa, to New Zealand, and the German Islands, north of the equator, to Japan.

Togoland and Kamerun are to be allocated after a joint recommendation to the Council has been made by France and Great Britain concerning them.

Three types of mandates had been worked out before the German Treaty was signed. They are as follows:

A. Mandates for communities which "have reached a state of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory Power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory Power."

B. Mandates for the peoples which "are at such a state that the mandatory must be responsible for the administration of the territory, subject to conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public

order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the League."

C. Mandates for territories which "owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the mandatory state, and other circumstances, can be best administered under the laws of the mandatory states as integral portions thereof, subject to the safeguards above mentioned in the interests of the indigenous population."

The mandate under Type C may be illustrated by the cases of what were German Samoa and German Southwest Africa, allocated respectively to the Dominion of New Zealand and the Union of South Africa. The government is intrusted to a mandatory with "full powers of administration and legislation," subject to the provisions of the convention for the control of the trade in arms and ammunition; the convention revising the general act of Berlin, February 26, 1885, and the general act and declaration of Brussels, July 2, 1890; and the convention relating to the liquor traffic in Africa, all signed at Saint-Germain-en-Laye, September 10, 1919. The laws of the mandatory are applicable to the territory, subject to any modification called for by local circumstances. Article 3 of the mandate prohibits the "military training of natives otherwise than for purposes of internal police and the local defense of the territory." It adds: "Furthermore no military or naval bases shall be established or fortifications erected in the territory." German Government property may be valued and the sum assessed credited to the interallied reparation fund, there to be regarded as allotted to the mandatory. The mandatory bears any deficit in revenue obtained locally. A clause of the Samoan mandate provides for incorporation into New Zealand if the natives desire such union and if the Allied and Associated Powers decide that the desire is conscious and well-founded. The Powers would then give effect to that desire and the mandate come to an end. Natives in foreign countries will enjoy the same diplomatic connection as the citizens of the mandatory.



Type B mandate is illustrated by the draft for German East Africa. It is essentially the same as Type C, but includes provisions establishing absolute equality of trade for the subjects and citizens of all the high contracting parties and enforcing complete freedom of conscience and the widest religious toleration.<sup>1</sup>

No mandates under Type A have been allotted, but they will necessarily be of a more complicated character. Armenia, Syria and Palestine will fall under this type.

### INTERNATIONAL BUREAUS

Before the war the necessities of international administration had produced some 60 international bureaus, commissions and offices established by treaties. Some 500 private international organizations existed. Though these frequently were very closely related, they had no connection one with another. For instance, European states signed at Bern on November 3, 1881, a convention for protection against phylloxera (plant lice). The International Institute of Agriculture was established by convention, June 6, 1905, and developed a division dealing with plant diseases of international concern. There was no way of consolidating such activities. Article 24 of the Covenant provides for the reorganization of these activities in the following terms:

There shall be placed under the direction of the League all international bureaus already established by general treaties, if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaus or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

These provisions affect some 60 international bureaus, offices and commissions, many of which are referred to in Article 282-295

<sup>1</sup>London *Times*, June 6, 1919, 14; September 10, 1919, 10.

of the Treaty of Peace with Germany. The problem of this section of the League will be to consolidate those organizations coming under the League and to devise methods of maintaining contact with those not doing so. Many of them will doubtless come under the League, but the negotiations to that end will be arduous, because the organizations differ widely among themselves as respects both structure and character, even when their duties are essentially similar.

### REGISTRY OF TREATIES

Article 18 of the Covenant provides:

Every treaty or international engagement entered into henceforth by any member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

The section to perform this duty remains to be organized. This will take place in the near future. Meantime, the Secretariat-General is notifying the Powers concerned of treaties entering into force. Provisions for the necessary publication of registered treaties are progressing along with the other publication plans of the League. When this section is in working order, it will take over certain duties of treaty publication now scattered among various organizations. For instance, all measures relating to the control of trade in arms and ammunition, formerly reported to a bureau at Brussels, will now be communicated to the League of Nations. The registration of arbitration treaties now assigned to the bureau of the Permanent Court of Arbitration at The Hague would naturally be transferred to the League of Nations registry. It is very desirable that this bureau, when it begins to function, should do so under regulations broad enough to permit the publication not only of treaty texts, but of documents connected with treaties and also of legislation relating to them or rendering them effective. It is a matter of some consequence to the students of international affairs to learn whether the publication of this section will supersede such publications as *British and Foreign State Papers*, the *Nouveau Recueil général de Traités* and *Archives Diplomatiques*.

## INTERNATIONAL HEALTH ORGANIZATION

It is intended eventually to establish a Social Questions Section of the Secretariat-General. This, however, will take time because—to mention only a single difficulty—its scope can not be determined until it is known which of the several international bureaus dealing with such questions would be consolidated under the League of Nations. Meantime, the League of Red Cross Societies has held two meetings for purposes of reorganization, in view of the fact that by Article 25 of the Covenant the members of the League agree to encourage and promote voluntary national organizations “having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.” Article 23 (f) also pledges the members of the League to endeavor “to take steps in matters of international concern for the prevention and control of disease.”

These conventional statements are of wide-reaching importance. For the first time in history there is thus given to voluntary private organizations both a definite standing in international official life and an assignment of definite duties thereto. For it should be understood that the Red Cross organizations previously had no international status. They were private national organizations, usually recognized in national law; but they acquired any international influence which they possessed solely through the comity of nations. Moreover, their work was confined to war by the convention permitting their organization. Now they are recognized as primarily a peaceful agency, and we have in them a league within the League of Nations for “the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.”

At the second meeting of the Council of the League, Gastão da Cunha, the Brazilian member, was appointed reporter on the subject of the constitution of an international body for health problems. He made his report on February 13. In this report he said that if there were a field of action in which the League of Nations could bring immediate relief to nations and one which would affect individuals in their personal and family life, it was the field of social hygiene in the most liberal sense of the word. Health measures were essentially international measures, whether it be a

question of adopting preventive or defensive means to combat contagious or epidemic diseases, or of popularizing methods of cure and treatment. Without solidarity and an effective understanding between nations, any national organization, however perfect in itself, would be insufficient. But neither the Council nor the Assembly of the League of Nations, nor even the Permanent Secretariat, possessed the requisite knowledge for the necessary technical research, which was scientific as well as social. To bring about the creation of a permanent organization, it would seem well to receive the proposals of a committee of competent authorities, instructed to submit proposals to this effect to the Council as soon as possible.

Senhor da Cunha submitted the following resolution:

That in view of the duties imposed upon the League by Article 23 (f) and Article 25, the Council invites the Health Commission, which has already met informally on the initiative of the British Government, to constitute a conference by adding to its members a small number of international health experts with an official of the League as secretary. The conference will prepare for submission to the Council proposals concerning the institution of a permanent body, to whom the Council can refer for advice, and, if necessary, for action, all questions connected with the execution of the above-mentioned articles. (Official Journal, March, 43.)

The report was unanimously adopted.

The Council at its third session on March 13 had on the order of the day the consideration of measures to be taken to prevent typhus and cholera which were raging in Eastern and Central Europe and to prevent their spread to Western Europe. Mr. Balfour in taking up the discussion of the question recalled that the Covenant contemplated the institution of a conference on hygiene. Before it could meet the Council had received alarming news concerning the peril which menaced Europe from contagion by the typhus which was decimating Poland and by cholera, diseases engendered by the war and by bad and insufficient alimentation. It was absolutely necessary that the western Powers collaborate with the Polish Government to combat the scourge and prevent its spread. The Council demanded the immediate establishment of a consultative committee on hygiene to devote itself to combating vigorously the epidemic of typhus reigning in Poland. The minister of Poland at Paris explained the sanitary situation in

his country. "Poland finds herself unable to stop the epidemic by her own facilities. She possesses neither bandage linen, medicines nor disinfectants. The disease will decrease during the summer, but it will resume its ravaging course in the autumn and winter. It threatens the whole of Europe. It is an international problem and one which must be treated as such."

The Council approved Mr. Balfour's proposal.

During the session of the Governing Body of the International Labor Office held at London, March 22, 1920, the director of the office spoke of the need for creating a health section immediately, in view of the fact that the International Labor Conference of Washington had adopted a number of recommendations dealing with industrial hygiene. The question was what should be the relation of the Labor Office to the International Health Section of the League of Nations. Sir Allan Smith of the employers expressed the opinion that the Labor Office, being especially intrusted by the Treaty with industrial and social matters, was clearly concerned with industrial hygiene, but co-operation with the League was imperative because any overlapping of work, actual or apparent, must be carefully avoided. This view was generally supported, and the director stated that, if all were agreed that the Labor Office should have a section to deal with industrial health, all that was needed was to work out a practical method of co-operation with the League. This view was adopted by the Governing Body.

The International Health Conference contemplated by the Council met in London to organize the International Health Organization in April. The delegates were from states represented on the Committee of the International Office of Public Hygiene established at Paris by the convention of January 17, 1912, and included:

*Great Britain*—Lord Astor (chairman), Dr. Steegmann (technical adviser), Dr. G. S. Buchanan, Sir George Newman, and Harold Butler (deputy-director of International Labor Bureau).

*France*—M. Brisac, Dr. Pottevin, M. Thiebault, Leon Bernard, and M. Boujard.

*Italy*—Dr. Lutrario, Dr. Druetti, Dr. Bruno Fornaciari.

*Japan*—Dr. Yoneji Miyagawa and Kakichi Kawarata.

*America*—Surgeon-General Rupert Blue.

*Poland*—Dr. Chodzko and Dr. Rajchmann.

The Red Cross societies were also represented.



By April 15 the conference had worked out a draft scheme for the League and a week later had undertaken the actual organization of a world crusade against disease.

The draft prepared for submission to the Council of the League of Nations reproduced the broad lines of the International Labor Office, providing for a permanent International Health Organization as part of the League's work. Its main functions will be to advise the League in all matters of health which affect individual countries in their relation with other countries; to organize rapid intercommunication when immediate precautionary measures are called for, as in epidemics; to secure or revise international agreements in this sense; to co-ordinate and help the work of other health organizations and the League of Red Cross Societies. Provision was made for collaboration between the Health Organization and the Labor Organization on matters which overlap, as, for instance, measures for the protection of the worker against disease, sickness, and injury arising out of his work.

The organization is planned to include:

1. A general committee, which shall consist of delegates from all the states members of the League, together with delegates from other states represented on the Committee of the International Office of Public Hygiene. This will meet at least once a year, and will correspond to the International Labor Conference and to the Assembly of the League.
2. An Executive Committee, corresponding to the Governing Body of International Labor and to the Council of the League, to meet not fewer than four times a year.
3. The Bureau, corresponding to the Labor Office and the Secretariat of the League. It will include a medical secretary, and will be competent to draft new conventions, revise old ones, etc., and generally carry out the routine duties of the organization.

#### ARMAMENTS COMMISSION

The scheme of organization already described covers the duties assigned to the Secretariat-General by the Covenant, with a single exception. Article 9 provides for a permanent commission "to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally." The duties of this commission under Article 1 are to see that a new member accepts in proper form "such regulations as may be pre-



scribed by the League in regard to its military, naval and air forces and armaments."

The question of reduction of armaments will surely not be allowed to rest. The French Chamber of Deputies passed the following motion October 3, 1919, by a vote of 444 to 1:

The Chamber invites the Government of France:

1. To seek an agreement with President Wilson, as soon as the United States shall have ratified the Treaty, for the immediate meeting of the League of Nations;

2. To instruct, with a view to this meeting, the delegates of France to propose the examination of measures which, by means of the progressive reduction of armaments contemplated by Article 8 of the Covenant of the League of Nations, shall pave the way for progressive disarmament.

Whether joining the League was synonymous with the duty of keeping up a standing army to be placed at the disposal of the League to enforce decisions was for a long time a burning question in Denmark and Norway. The Democratic majority, against the protests of the Conservatives in both countries, read the Treaty as giving a member of the League full right to abolish its army and navy. Lord Robert Cecil, British representative on the League of Nations Commission, in replying to an inquiry by the president of the Norwegian Storting, said: "I have no doubt that your reading of Article 8 of the treaty is right. Undoubtedly it was never meant to put on any member of the League the burden and duty to keep up military forces."

Switzerland enters the League under special conditions as to participation in military activities, owing to her historical neutral position.

The Dutch Chambers in a resolution called upon the Government in joining the League to adopt the attitude that "the reduction of armaments by means of international agreements" was to "be regarded as of prime importance."

#### CLERICAL AND FINANCIAL STAFF

Two essential features of the Secretariat do not figure as sections. Clerical assistance to the Secretary-General and the sections is provided by a department known as the "Establishment." French and English stenographers, the Distribution Office, the general management of buildings and offices, publication, and the library fall to this department.

The Financial Administration has existed for several months under the charge of Sir Herbert Ames, a Canadian of wide experience. He is assisted by an accounting staff and it is expected that a governmental auditing of accounts will take place at the end of each fiscal year.

### ORGANIZATION OF LABOR

The International Labor Office, established by Articles 392-398 of the German Treaty may be considered as a co-ordinate section of the Secretariat-General inasmuch as "membership of the League shall carry with it membership of the said" organization established by Part XIII of the Treaty and also because Article 23 (a) of the Covenant gives the League a general charge of international labor matters. The labor organization, however, functions separately to a very large degree, except in the matter of finances, which are taken care of entirely through the Financial Administration of the League of Nations.

The Labor Organization possesses its own Secretariat which set up offices at 53 Parliament street, London, shortly after the Inter-allied Peace Conference had approved the Labor part of the Treaty at its plenary session on April 11, 1919. An international organizing committee was constituted with Arthur Fontaine, France, as chairman and Harold B. Butler of Great Britain, as secretary. On May 10, this committee sent out to all members-to-be of the League of Nations a call to the First International Labor Conference to be held at Washington that fall. The Secretariat transferred its offices to Washington early in September and the conference itself was held in the building of the Pan American Union, October 29-November 29, 1919. It produced six draft conventions and six recommendations to the constituent Governments as follows:

Draft convention limiting the hours of work in industrial undertakings to 8 in the day and 48 in the week.

Draft convention concerning unemployment.

Recommendation concerning unemployment.

Recommendation concerning reciprocity of treatment of foreign workers.

Draft convention concerning employment of women before and after childbirth.

Draft convention concerning the employment of women during the night.

Recommendation concerning the prevention of anthrax.

Recommendation concerning the protection of women and children against lead poisoning.

Recommendation concerning the establishment of Government health services.

Draft convention fixing the minimum age for admission of children to industrial employment.

Draft convention concerning the night work of young persons employed in industry.

Recommendation concerning the application of the Bern Convention of 1906, on the prohibition of the use of white phosphorus in the manufacture of matches.

The second conference of the International Labor Organization has been fixed for Genoa, June 15, to take up maritime problems of labor. The third conference has been scheduled for Geneva at the beginning of 1921, when the program will include the following: I, Measures taken in the different countries relative to the decisions of Washington and Genoa; II, agricultural questions; III, infections in industry; IV, report of the commission relative to emigration; V, re-election of the Administrative Council of the International Bureau and modification of the statutes.

By Article 393 of the Treaty of Versailles an International Labor Office is established under the control of a Governing Body consisting of 24 persons, 12 of whom represent the Governments, six of whom owe their election to the delegates representing employers at the Washington conference and six of whom owe their election to the delegates representing workers. This Labor Office established itself at Seamore Place, London, with Albert Thomas of France as director, and the following membership:

*Government Representatives:* Arthur Fontaine, France; Sir Malcolm Delevingne, Great Britain; Baron Mayor des Planches, Italy; Hermann Rufenacht, Switzerland; Franciszek Sokal, Poland; F. A. Acland, Canada; Herr Leymann, Germany; Viscount de Eza, Spain; Eugène Mahaim, Belgium; S. Neumann, Denmark; M. de Alvear, Argentina; and M. Nagaoka, Japan.

*Employers' Representatives:* Louis Guérin, France; Sir Allan Smith, Great Britain; F. Hodacz, Czecho-Slovakia; Jules Lecocq, Belgium; Dr. Deitrich Schindler, Switzerland; and R. Osculati, Italy.

*Workers' Representatives:* Léon Jouhaux, France; G. H. Stuart-Bunning, Great Britain; J. Oudegeest, Netherlands; A. Herman Lindqvist, Sweden; Carl Legien, Germany; Tom Moore, Canada.

## EXPENSES OF THE LEAGUE OF NATIONS

There has been a great deal of speculation respecting the cost of operating the League of Nations. By Article 6 the expenses are to be borne "in accordance with the apportionment of the expenses of the international bureau of the Universal Postal Union."

Article 22 of the convention of the Universal Postal Union signed at Rome, May 26, 1906, provides for the establishment of an international bureau, "of which the expenses are borne by all the administrations of the Union." The postal administrations participating in the conference selected at that time conditions under which each would make this contribution. Article 24 provides that, in case of a state adhering to the convention, "it devolves upon the Government of the Swiss Confederation to determine, by common consent with the government of the country concerned, the share to be contributed by the administration of this latter country toward the expenses of the international bureau."

Article 38 of the regulations drawn up at the same time provides as follows:

(1) For the apportionment of the expenses the countries of the union are divided into seven classes, each contributing in the proportion of a certain number of units, viz.:

1st class . . . . .	25 units	4th class . . . . .	10 units
2d class . . . . .	20 units	5th class . . . . .	5 units
3d class . . . . .	15 units	6th class . . . . .	3 units
	7th class . . . . .		1 unit

(2) These coefficients are multiplied by the number of countries of each class, and the total of the products thus obtained furnishes the number of units by which the whole expense is to be divided. The quotient gives the amount of the unit of expense.

The first budget of the League is not yet effective and will not be until the States concerned have voted their quotas legislatively and turned them over to the Financial Administration. The conditions of the budget and the size of the quotas are, however, available. The present estimates, which are provisional in the sense that they have not yet been approved by the Council, were based upon the theory that £250,000 should be contributed by the states signing the Treaty of Versailles. The states invited to adhere to the Covenant as original members have now done so and the quotas based on signatory states have for the current esti-

mates been applied to them. The following table combines both categories in one alphabet and gives an accurate indication of the proportionate cost to each nation of membership in the League:

	Class	Units	Amount
America, United States of	1st	25	\$78,897
Argentine Republic	5th	5	15,780
Belgium	3d	15	47,336
Bolivia	6th	3	9,467
Brazil	3d	15	47,336
British Empire	1st	25	78,897
Canada	1st	25	78,897
Australia	1st	25	78,897
South Africa	1st	25	78,897
New Zealand	5th	3	9,467
British India	1st	25	78,897
Chile	5th	5	15,780
Colombia	5th	5	15,780
Denmark	4th	10	31,561
China	1st	25	78,897
Cuba	6th	3	9,467
Czecho-Slovakia	4th	10	31,561
Ecuador	6th	3	9,467
France	1st	25	78,897
Greece	5th	5	15,780
Guatemala	6th	3	9,467
Haiti	6th	3	9,467
Hedjaz	7th	1	3,149
Honduras	6th	3	9,467
Italy	1st	25	78,897
Japan	1st	25	78,897
Liberia	7th	1	3,149
Netherlands	3d	15	47,336
Nicaragua	6th	3	9,467
Norway	4th	10	31,561
Panama	6th	3	9,467
Paraguay	6th	3	9,467
Persia	6th	3	9,467
Peru	5th	5	15,780
Poland	1st	25	78,897
Portugal	4th	10	31,561
Rumania	3d	15	47,336
Salvador	6th	3	9,467
Serb-Croat-Slovene State	4th	10	31,561
Siam	6th	3	9,467
Spain	2d	20	63,122
Sweden	3d	15	47,336
Switzerland	3d	15	47,336
Uruguay	6th	3	9,467
Venezuela	6th	3	9,467
		507	\$1,600,013



This brief sketch of the organization of the League of Nations points to a very interesting and important conclusion. The League was made possible by the desire of peoples to avoid the necessity of war and to insure a régime of justice in the world. Definite rules looking to these ends constitute the first two-thirds of the Covenant of the League of Nations and those rules have, almost without exception, exclusively commanded public attention in discussions concerning the organization. Yet it is apparent from the mechanism provided to fulfil the functions of the League that the first two-thirds of the Covenant is requiring very little machinery. A vine follows its trellis; the organization of the League of Nations will develop functions easiest and most rapidly in those directions where the machinery of administration is provided. It is, therefore, of permanent significance that the Secretariat-General as at present constituted is most fully equipped to handle those questions of social and semi-social significance that represent the common interests of civilized peoples.



### III. THE COUNCIL OF THE LEAGUE MEETS

As already stated, the League of Nations was not able to function until it was long overdue. The original expectation was that the four months and a half between the signing of the Treaty of Versailles on June 28 and the anniversary of Armistice Day, November 11, would afford ample time for all necessary ratifications, so that the latter date could be made that of the coming of the treaty into force. The Council of the League, according to this plan, would meet promptly, and the Assembly shortly after. A week would wind up the war, inaugurate the new era and attract proper public attention to the formalities and functions of its crowded days.

The part of the United States in that program was to be that of the star performer. M. Clemenceau in a letter sent to Edward M. House on September 4, 1919, urged such a program to "put the League in action," and emphasized the importance of reminding "the peoples at the opening of the first Assembly that the League of Nations will have prestige and influence in times of peace only if it succeeds in maintaining and developing the feeling of international solidarity from which it was born during the war." He proposed Washington as the meeting place:

In the first place, it seems to me that the first meeting of the League in Washington under the presidency of Mr. Wilson should be urgently called at the earliest possible moment. Owing to the hopes which this League has caused to be born and to facilitate the solution of international problems facing all nations, I would suggest that the meeting be held the first week of the coming November, and would propose the invitation of the greatest possible number of statesmen whose names were associated with the creation of the League of Nations.

But the President and the Senate went into a deadlock on the ratification of the treaty itself, and the European Powers, after several months of anxious waiting while their own affairs went from bad to worse, finally determined to count the United States out for the time. On January 10, 1920, they put the decision into execution and brought the League of Nations into existence by bringing the Treaty of Versailles into effect.

## CALL FOR THE FIRST MEETING

Article V of the Covenant provides that "the first meeting of the Council shall be summoned by the President of the United States of America." In accordance with that provision the Department of State on January 13 sent the following call:

In compliance with Article 5 of the Covenant of the League of Nations, which went into effect at the same time as the Treaty of Versailles of June 28, 1919, of which it is a part, the President of the United States, acting on behalf of those nations which have deposited their instruments of ratification in Paris, as certified in a *procès-verbal* drawn up by the French Government, dated January 10, 1920, has the honor to inform the Government of Great Britain<sup>1</sup> that the first meeting of the Council of the League of Nations will be held in Paris at the Ministry of Foreign Affairs on Friday, January 16, at 10.30 A. M.

The President earnestly ventures the hope that the Government of Great Britain<sup>1</sup> will be in a position to send a representative to this first meeting. He feels that it is unnecessary for him to point out the deep significance attached to this meeting, or the importance which it must assume in the eyes of the world. It will mark the beginning of a new era in international co-operation, and the first great step toward the ideal concert of nations. It will bring the League of Nations into being as a living force, devoted to the task of assisting the peoples of all countries in their desire for peace, prosperity and happiness. The President is convinced that its progress will accord with the noble purpose to which it is dedicated.

## REPRESENTATIVES ON THE COUNCIL

The first meeting of the Council of the League of Nations was held at the French Ministry of Foreign Affairs, January 16, 1920. The following members were represented:

Belgium, by Paul Hymans, minister of foreign affairs, minister of state;

Brazil, by Gastão da Cunha, ambassador extraordinary and plenipotentiary at Paris of the Republic of Brazil;

The British Empire, by the Right Honorable the Earl Curzon of Kedleston, secretary of state for foreign affairs;

France, by Léon Bourgeois, president of the Senate, former president of the Council of Ministers;

<sup>1</sup>Sent also to France, Italy, Japan, Belgium, Brazil and Spain.

Greece, by Eleftherios Konstantinos Venizelos, president of the Council of Ministers;

Italy, by E. Maggiorino Ferraris, member of the Italian Senate;

Japan, by M. K. Matsui, ambassador extraordinary and plenipotentiary of His Majesty the Emperor of Japan at Paris;

Spain, by José Quiñones de León, ambassador extraordinary and plenipotentiary of His Majesty the King of Spain at Paris.

The delegate for Greece, Mr. Venizelos, proposed the French delegate, M. Bourgeois, as the first chairman of the Council. The delegate of the British Empire seconded the motion, which was unanimously agreed to. After inviting Lord Grey of Falldon to accept a seat among the diplomatic representatives as a proof of the Council's great esteem and requesting the Secretary-General to take his seat in the Council in his official capacity, M. Bourgeois delivered the following address:

#### THE PURPOSE OF THE LEAGUE

The High Contracting Parties, in order to promote international co-operation, and to achieve international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just and honorable relations between nations, by the firm establishment of the understandings of International Law as the actual rule of conduct among Governments, and by the maintenance of justice and the scrupulous respect for all Treaty obligations in the dealings of organized peoples with one another, have agreed to the Covenant of the League of Nations.

The work of the League of Nations is to be carried out by a body composed of representatives of all the States Members of the League, and by a Council composed of the representatives of the Principal Allied and Associated Powers, and the representatives of four States: Belgium, Brazil, Spain and Greece.

To-day, Gentlemen, we are holding the first meeting of that Council, convened by the President of the United States on January 13, 1920.

The task of presiding at this meeting and of inaugurating this great international institution, which opens so wide a field of hope for humanity, should have fallen to President Wilson.

We respect the reasons which still delay the final decision of our friends in Washington, but we may all express the hope that these last difficulties will soon be overcome, and that a representative of the great American Republic will occupy the place which awaits him among us. The work of the Council will then assume that definite character, and that particular force which should be associated with it.

The organization of the League of Nations will not be complete until the Assembly of all the States, as laid down in Article 2 of the Covenant, has met. This Assembly will consist not only of the original Members of the League of Nations, but of the States, nonsignatories of the Treaty, mentioned in the Annex to the Covenant, which are invited to accede within two months of the coming into force of the Treaty. Spain, the Argentine Republic, Paraguay, Chile and Persia have already acceded.

Even if under these conditions the machinery of the League remains incomplete until a later date, the meeting of to-day bears nevertheless the character of a first and solemn act.

### “DATE OF BIRTH OF THE NEW WORLD”

January 16, 1920, will go down to history as the date of the birth of the new world. The decision to be taken to-day will be in the name of all States which adhere to the Covenant. It will be the first decree of all the free nations leaguering themselves together for the first time in the world to substitute right for might.

It has not been found possible to postpone this first meeting, for the League of Nations has been allotted two distinct tasks; one of urgent necessity, the other of future development. The first consists of the practical execution of the clauses of the Treaty of Peace. In order to build on strong foundations the structure of to-morrow, we must first remove the ruins accumulated by the war. In other words, to enable the Members of the League to combine, to respect and maintain the territorial integrity and the political independence of the Associated States against all aggression, the Treaty of Peace has laid down such boundaries for those territories as are consistent with justice. Only on these conditions can the task of the future, so clearly defined in the words of the Covenant which I have just quoted, be undertaken, namely the definite foundation of international justice, the organization of the security of peace-loving peoples by the general limitation of armaments, the protection of races not yet able to stand by themselves, whose welfare and development, in the words of Article 22, “form a sacred trust of civilization.”

The constitution of international organizations for economic and social life form the very foundations of this new citadel which is being constructed.

Finally, the international regulation of the conditions of labor, in order to secure the welfare of the workers, assures at the same time social peace.

On this last point important preparatory work has already been done. You are all aware of the results of the Conference at Washington,



where an agreement was reached on a number of essential points, not only between Governments, but between representatives of the employers' and employees' associations.

To-day, Gentlemen, it is with the first part of our task that we have to deal. After having established regular collaboration between the Council and the Secretariat of the League, whose chief, Sir Eric Drummond, we are pleased to welcome here to-day, we have to choose without delay three members of the Frontier Delimitation Commission of the territory of the Saar.

The Commission of five members charged with the delimitation of this territory has to be constituted under the terms of Article 48 within 15 days of the coming into force of the present Treaty. One will be appointed by France, one by Germany, and three by the Council of the League of Nations, which will select nationals from other Powers. We will presently proceed, Gentlemen, with these appointments.

#### DUTIES OF LEAGUE UNDER TREATY

Other clauses of the Treaty will necessitate similar decisions at future meetings. A number of European territories which, either by their geographical position or by the diversity of their populations, might become a cause for international unrest, have been placed more or less completely under the care of the League of Nations. The territory of the Saar, whose Government we are going to appoint as soon as its boundaries have been fixed; the Free City of Danzig, the protection of which is to be guaranteed by the League of Nations; the territories of Eupen and Malmédy, whose future is to be decided by popular vote, are cases in point.

We have also to make provision for disputes which may arise in the administration of the great international highways and in the economic clauses of the Treaty.

You will have to consider, Gentlemen, when and how these various problems are to be placed on the agenda of our meetings.

All these questions may not appear of the highest significance, and public opinion will perhaps be surprised that we have to-day made no greater stride and left no deeper mark upon the world. They are, however, questions of immediate and practical importance, and, in considering them together in a spirit of mutual understanding, we are not only laying the first foundation of this great international institution, but we are establishing the principle and showing an example of that essential co-operation between the nations, which is the very spirit of the Covenant. We do not forget the impatience with which our decisions are awaited. We are well aware of the doubts of some and the

ardent enthusiasm of others, but we are here to represent responsible Governments, and while realizing the grandeur of the work, we can not ignore the inevitable difficulties of the enterprise we are serving. Animated by deep conviction, supported by the public opinion of the world and by the numerous manifestations of those great associations, which in all free countries have undertaken the education of the people in the precepts of the League of Nations, and determined to prevent, by every means in our power, the recurrence of these terrible disasters, which have imperiled civilization and drenched the world in blood, we shall proceed by the only sure method—that of attaining practical and successive results. With eyes fixed on the distant future, but with our feet on the solid ground of political and social realities, we will create a world in which the League can develop in the spirit of justice and the will for peace.

#### BRITISH EMPIRE PLEDGES LOYALTY

Lord CURZON spoke as follows:

Born a year ago, amid great hopes, though not without anxious symptoms, the League of Nations to-day enters upon its active existence, and on behalf of the British Empire I desire to express the loyalty of my Government, and of the external Dominions of the British Crown, to the spirit which underlies the Covenant of the League, our intention by every means in our power to insure its practical efficacy, and our firm belief that through its instrumentality alone we can hope to insure that such horrors and miseries as the world has experienced during the past five years shall not be repeated, and that a new era of international relationships shall dawn.

The League of Nations is the expression of a universal desire for a saner method of regulating the affairs of mankind. It is not a mere expression in platonic language of the necessity for international friendship and a good understanding. It provides the machinery by which practical effect may be given to these principles. The doctrine of community of international interests is now for the first time provided with an instrument endowed with formidable powers, fortified by the allegiance of Governments, and supported by the public opinion of the civilized world.

The Council which meets for the first time to-day is the forerunner of many similar gatherings at which the statesmen of the nations, great and small, will meet together to promote this co-operation and to exchange views. In the League of Nations an organ is thus created which will bring together those who are chosen by their people to represent them. Should disputes unhappily arise, the disputants will find themselves in an assembly of impartial and unbiased councillors, whose sole



aim will be to remove misunderstandings which may have arisen and to point the way toward an amicable solution.

#### RESTS UPON FACT OF NATIONHOOD

It has sometimes been said that the League of Nations implies the establishment of a super-state, or a super-sovereignty. The very title "League of Nations" should be sufficient to dispel this misconception. The League does not interfere with nationality. It is upon the fact of nationhood that it rests.

The League is an association of sovereign States whose purpose is to reconcile divergent interests and to promote international co-operation in questions which affect—or may affect—the world at large. How valuable such international co-operation can be is proved by the Labor Conference which took place recently at Washington.

Here, for the first time, an attempt was made to bring together, under the auspices of the League of Nations, representatives of Governments, of employers, and of labor. In spite of many adverse circumstances, delegates attended from 39 nations in every part of the world, and the result has been a great advance toward the general betterment of world labor conditions. Employers and labor, brought face to face, found that there was a large extent of common ground on which they could meet. Instead of the violent conflict of class interests, which was predicted by some, agreement was reached on many questions, such as that of the 8-hour day, and the 48-hour week, which had led to bitter disputes in the past. In a single month there were drafted and passed, in most cases with a full measure of agreement, six conventions and six recommendations. There is every hope that within twelve months, the provisions of these instruments will be placed on the statute-books of most, if not all, of the countries concerned. If this hope is fulfilled, there will have been achieved in one year, through the machinery created by the Treaty of Versailles, an advance exceeding the results of the entire work of the previous quarter of a century in the field of international action in industrial questions.

The success of the Labor Conference is of good augury for the future of the League of Nations, and in particular it has demonstrated the use and the power of public debate in one field of international action. The peoples of all countries have now learned that foreign affairs are their vital concern, and they are demanding, with ever-increasing insistence, that international obligations shall not be incurred without their knowledge and behind their backs. Their eyes have been opened to the necessity for co-operation between all nations, but they ask that it shall be open co-operation.

## TO BRING RELIEF FROM ARMAMENTS

There is another and more important result which it is to be hoped that the habit of mutual confidence may bring about. It is this, that great national armaments will in time automatically disappear. We shall not perhaps see this come about in the immediate future, but the present weight of armaments is so oppressive to the nations and peoples concerned, that we should at once resort to the measures indicated in the Covenant to bring relief.

There are other activities of the League of wide significance, such as the just treatment of native inhabitants in territories under the control of the members; freedom of transit; equitable treatment of commerce among members; and in another and not less important sphere, the prevention and control of disease. The success of the League of Nations will affect many branches of human life and welfare. Monsieur Bourgeois has explained that the League of Nations is called upon to perform certain duties in connection with the Treaty of Versailles. It will be asked to undertake further obligations under the terms of other Treaties of Peace. In no case, however, will these obligations be inconsistent with the high conceptions which animated the founders of the League.

While I am in entire agreement with all that Monsieur Bourgeois has said, I should wish especially to express my full concurrence in his observations as regards the United States of America. The decision must be her own, but if and when the United States elects to take her place in the new Council Chamber of the Nations, the place is vacant for her and the warmest welcome will be hers.

In conclusion, I have to thank my colleagues for having given me the opportunity to utter these few words on an occasion of so much importance in the history of the spiritual progress of mankind.

## ITALY'S IDEALS AS LEAGUE MEMBER

M. MAGGIORINO FERRARIS spoke as follows:

Upon me has fallen the honor of confirming in the name of the Italian Government the eloquent words of our illustrious Chairman, M. Léon Bourgeois. His name will ever be respected and remembered by posterity for his learning, his eloquence and his unshakable faith in the great ideal of the League of Nations, which receives to-day its historical consecration on the victorious soil of France. As that eminent statesman, Lord Curzon, so ably said, we are witnessing at this moment the moral importance and the practical benefits of this new institution, which will leave an immortal mark on the history of the relations between the

States and the people of the world from the political as well as from the social and economic point of view.

Italy did not hesitate to take her place of danger by the side of her valiant Allies at the most serious and perilous moment of the war. Italy does not hesitate to give her confident and unreserved reply to the invitation of President Wilson and the great American people. In full agreement with the Allied States and with all enlightened nations, our sole aim is to have done with that past in which countries impoverished their existence through distrust and suspicion, and to strive instead for the relief of suffering humanity, for the reconstruction of homes destroyed, for the ideal of universal brotherhood of Governments and peoples, for social peace and for progress, security and well-being of States and their citizens.

That illustrious statesman who brings back to us memories of the teachings of ancient Greece carries with him the imperishable traditions of his country, our friend and neighbor.

We heartily welcome also the worthy representative of free and gallant Belgium, and our distinguished associates from Brazil, Spain and Japan.

Throughout the centuries Italy has been ready to embrace the ideal of the League of Nations. It has been the fundamental principle inherited from doctrines of Roman Law, handed down through the teachings of jurists and students of the middle ages, to the philosophers and statesmen of the last century.

It is my duty to remind you of the confidence in, and the devoted work performed for the League of Nations at the Paris Conference by our ministers and statesmen Orlando, Nitti, Sonnino, Tittoni, now President of our Senate, and Mr. Scialoja. The gratitude of their country is already assured them.

#### BENEFITS WILL BRING APPRECIATION

As our great King Victor Emmanuel II, the friend and faithful ally of France, has wisely said, the appreciation of institutions depends on the benefits derived therefrom. It would neither be just nor sincere to hide from ourselves the fact that the League of Nations is born to-day in a certain atmosphere of skepticism. Together with our eminent President, we do not consider that this skepticism is justified, but we must neither exaggerate nor ignore it. After all their suffering so heroically borne, the world to-day is still awaiting many of the benefits of peace. Here lies the task for the League of Nations to fulfil. On the conduct of the Governments and on the wisdom of their representatives in this assembly depends the success of the League of Nations.

Lord Curzon has rightly reminded us of the valuable work accomplished

by the Labor Conference at Washington. It is especially for the settlement of the economic problem that my country, and, I think, humanity at large, looks toward the League for the solution of the tremendous problems arising out of the war, such as the high cost of living, the intolerable burden of exchange and freights, the liquidation of the enormous war debts, the best employment of the existing means of transport, the allotment of raw materials, the reorganization of industry and production, and the solution of the food problem. The League must show that it is not insensible to the cries of distress which arise anew from our brothers in the field and factory and echo in the ears of those assembled here.

The world knows that the solution of these problems is a heavy task, which can only be accomplished through the solidarity of all nations, great and small, rich and poor. It looks to the League of Nations for the practical realization, within the limits of possibility, of the sincere co-operation of Governments and of peoples. Thus only will it be possible to overcome the difficulties of the present day, to create a better world for generations yet unborn, and to convince the suffering nations how real and durable is the value of this noble and glorious institution, which we lay to-day upon the altar of history and consecrate to the triumph of justice over brute force, and the advancement of Social Peace.

M. BOURGEOIS repeated his invitation to Lord Grey, who had returned to the room.

LORD GREY gratefully accepted the invitation, saying that, though it would be out of order for him to speak, he esteemed it a great honor to be present on an occasion of such good auspices for the future of the League.

#### BRAZIL SPEAKS FOR THE AMERICAS

M. DA CUNHA spoke as follows:

I esteem it a great compliment to have been chosen to represent Brazil in this august assembly; and the honor of taking part in it is doubled by the fact that in doing so I am for the moment taking the place of a Brazilian statesman of world-wide fame.<sup>1</sup> That honor I accept with pride, not for myself, but for my country; I accept it as being the homage of the civilized peoples to the enlightened spirit and the traditions of international loyalty of Brazil.

Faithful to her past history, Brazil will devote herself with persistent eagerness to strengthening the cause of Peace and of Brotherhood among the nations. She is confident of seeing in the near future the steady growth of the organization created by the Treaty of Versailles and the fulfilment of the policy which has inspired it. She is happy to join with heart and soul

<sup>1</sup> The speaker refers to Ruy Barbosa, who was at the time expected to be the Brazilian representative on the Council.



in that noble task. She fully realizes the difficulties involved; but she takes courage in her certain hope that the League of Nations will not fail to realize the high ideal set before it—the organization of Justice through Victory.

At such a moment when, as all here must feel, we stand at a turning-point in history, at the dawn of a new era in human life—at such a moment I know beyond doubt that the ideas and the feelings I have expressed represent the thoughts and aspirations of the people and Government of Brazil, who have given me an explicit mandate. But my knowledge of the precedents of the history of the American Continent and of its unbroken progress toward the reign of Justice embolden me to say without undue rashness that I find in these facts an implicit mandate which authorizes me to express to you what very great happiness I feel, as the only American among you to-day, in being the spokesman of the whole American Continent.

The business of the Council at the first meeting consisted of the selection of members of the Saar Basin delimitation commission in accordance with Article 48 of the Treaty of Peace with Germany. London was chosen for the second meeting place, the date and agenda being left for arrangement between the chairman and the Secretary-General. The meeting closed at 11.55 A. M.

#### ABSENCE OF AMERICA AT SECOND MEETING

The second meeting of the Council was held in the historic picture gallery of St. James's Palace, London, February 11–13. Beneath the portrait of Henry VIII the table for the Council was placed, and the rest of the room was given over to 160 invited guests, including all the diplomatic corps, except the American ambassador, distinguished public men and representatives of the press. Arthur James Balfour represented the British Empire and D. Caclamanos represented Greece, the other countries having the same representation as before. Mr. Balfour was elected chairman on the motion of M. Bourgeois. Mr. Balfour, in opening the proceedings, said:

Gentlemen, I desire, on behalf of the Government of this country, and of the country itself, to welcome to-day our visitors upon the Council of the League of Nations. We are most gratified at seeing them here; but there is one blot on the assembly, if I may say so, which is that we are eight instead of nine. As the Council of the League was originally

designed in Paris, as it was embodied in the Treaty of Versailles, the five great Powers and four representatives of other Powers were to constitute the Council of the League. Events, which it is not the least necessary, or even desirable, that I should touch upon, have somewhat marred the symmetry of that plan, and as I was myself one of the plenipotentiaries at Versailles I am sure that nobody whom I am now addressing, and none of my friends in America, will think that I am doing wrong in expressing my personal regret that, for the moment at all events, we have not reached our complete numbers.

As it is, however, I do not doubt that we shall be able to do useful work, and that this institution, which carries within itself so many promises for the future, may in this its second meeting do something toward contributing to the consummation which we all desire. Gentlemen, on your behalf, I venture to assure all my colleagues here present of the hearty welcome we give them on this occasion.

M. Bourgeois, speaking in French, said:

The Council of the League of Nations wish to express the profound gratitude that they feel toward the British Government for what they feel is a double honor—first of all, the holding of this meeting in this historic palace, and secondly, the sending of Mr. Balfour as representative. I will now outline the task of the second meeting. As the French representative at the first meeting, I was given the task of preparing, with the Secretary-General, the agenda. I wish to acknowledge here my profound gratitude to Sir Eric Drummond, who has shown such great competence and cordiality in the work that we have undertaken together. My work has also been rendered easy by the excellent relations which exist between us and our colleagues.

#### ALL DECISIONS GIVEN IN PUBLIC

During this meeting the Council held five sessions, of which the first and the final one were public. The chairman of the meeting on taking up his duties made a statement respecting the publicity of proceedings, in which he said:

His Excellency has read to you the agenda, prepared by himself with the assistance of the Secretary-General, and which will in the main, subject to any decision that may be taken by the committees, regulate our proceedings. I ought to add this. After consultation with him and with my other colleagues we have come to the conclusion that the details of our work can not with advantage take place in an open assembly.

We recognize the extreme importance, and indeed necessity, of publicity



in the true and useful form of that phrase, but the actual detailed discussion we believe can only be carried on with that perfect freedom which is desirable—I even go further, and say necessary—if the work is to be efficiently done. The course, therefore, that we propose to take is to have this meeting at which we are all here gathered together an open meeting; then to resolve ourselves, as it were, into a committee and deal with the agenda in detail; then to have another open meeting, at which the general results of our labors will be communicated to the public, first to any who may be present in this room, and through them to the public at large.

That is the procedure which commends itself unanimously to my colleagues. I am convinced that it is the right procedure, and I trust that we shall be supported in that decision by the general verdict of public opinion.

### BALFOUR CONFIDENT OF LEAGUE'S FUTURE

In opening the proceedings of the final session on the 13th, Mr. Balfour reverted to the subject of publicity again in these words:

The Council have agreed that the final stage of their decisions shall be taken in public, and this procedure which we have deliberately adopted we shall carry out at these meetings. It is unnecessary that I should occupy your time by any lengthy remarks before we come to our discussions, or the statements of the conclusions at which we have arrived regarding the various items in our program. That statement will be made by my colleagues of the Council, each one taking in turn the subject of which he was the appointed rapporteur.

He will then explain the decision to which we have come and we shall formally ratify them. Perhaps before calling upon His Excellency M. Bourgeois to begin our strictly business proceedings, I may be allowed to say this one word of preface. We are a very young institution. This is the second time that we have met, and it is perhaps the first time on which it may be said that we have had before us a general program of international business. It is too early to forecast our future, but I may say that if the experience of the last few days and hours is any guide or indication of what that future is to be, I look forward to it with the utmost confidence.

In Paris the greater part of the work, was, as you know, done and had to be done by the representatives of the great Powers. They were assisted by the representatives of the other Allies on certain rare special and fixed occasions. Here we have for the first time not merely representatives of the, I am sorry to say in this case, four, not five great Powers, but also representatives of the Allied Powers, and more important perhaps

than all—more novel, at all events—we have the valuable assistance of representatives of neutral countries. This is a great, and, I believe, happy and beneficent innovation, and if the nations of the world not merely those who are engaged in hostilities, but those—not very many after all—who were not involved in this world cataclysm are able in the future to meet together and discuss in the same business-like, friendly and conciliatory spirit which has marked every moment of our proceedings in the last few days, I can not doubt that the service which the League of Nations is capable of rendering in the future to mankind is almost incalculable and certainly is beyond computation at the present moment.<sup>1</sup>

### THIRD AND FOURTH MEETINGS

The Council met for its third session at the French Ministry of Foreign Affairs, Paris, on March 14, with M. Bourgeois presiding. Mr. Balfour again sat for the British Empire. Tommaso Tittoni sat for Italy and Athos Romanos for Greece. The agenda of the meeting covered two subjects: the Russian inquiry to be undertaken under the auspices of the League of Nations, and the measures to be taken to prevent the typhus and cholera raging in Eastern and Central Europe from spreading, as well as measures to combat the diseases in the plague-infected district.

The Council held its fourth meeting at Paris at the Petit Luxembourg on April 12 with M. Bourgeois presiding. Herbert A. L. Fisher sat as representative of the British Empire, Count Bonin-Longare for Italy, Baron de Gaiffier d'Hestroy for Belgium, and Mr. Venizelos resumed the representation for Greece. M. Bourgeois in opening the public session in the afternoon congratulated the Council upon the increasing confidence in its work exhibited by the order of the day which—though he did not say that—consisted almost wholly of the consideration of problems which had been found too difficult for solution by the so-called Supreme Council of the Allies. This *soi-disant* Supreme Council had requested the Council of the League to meet to consider the repatriation and revictualing of prisoners in Siberia, a mandate for Armenia, and the protection of minorities in Turkey.

<sup>1</sup>League of Nations Official Journal, March, 1920, 32-33.

#### IV. ACTION OF THE COUNCIL

In three months the Council in four meetings has acted upon a round dozen of subjects presented as 15 separate items of business. Three of these subjects dealt with duties assigned by the Treaty of Versailles and have resulted in setting up in the Saar Basin and Danzig governments of which the world as a whole is the trustee through its agent, the League of Nations. The rest of the subjects have concerned the common interests of the nations, and the action has already facilitated and promoted that international co-operation which, with the maintenance of peace, is the fundamental reason for the League. Several of the decisions have set in motion activities which are of the utmost importance for the well-being of the world. Two of the subjects considered have resulted in the first steps toward the proper organization of transportation and the proper combating of menaces to human health; both of these activities have been embodied in the integral organization of the League of Nations.

It is the purpose here to set forth briefly the facts concerning the subjects acted upon by the Council, and so to indicate how much has been accomplished in the first three months of the League's existence. Three items properly dealt with as part of the organization of the League—international health and transit arrangements and the epidemic conditions in Eastern Europe—are included in the following list, which is compiled from the orders of business of the four meetings:

1. Appointment of the Saar Basin Delimitation Commission; resolution of January 16.

2. Appointment of five members of the Governing Commission for the Saar Basin, and petition from certain inhabitants of the municipalities of Wadern, Weiskirchen, Losheim and Britten, adjoining the Saar Basin on the north; resolution of February 13.

3. Certain questions with regard to Switzerland's entry into the League, on which the Swiss Government desired to have the opinion of the Council; resolution of February 13.

4. Appointment of the High Commissioner for the Free City of Danzig; resolution of February 13.

5. Organization of the Permanent Court of International Justice: Proposed list of names of international jurists to be invited to form a committee to prepare plans for the constitution of the court; resolution of February 13.

6. Duties of the League as to transit, ports, waterways and railways; resolution of February 13; reported as part of the Organization of the League.

7. Health: Constitution of international body for health problems; resolution of February 13; reported as part of the Organization of the League, International Health Section.

8. Polish minority treaty, guaranty of the League of Nations; resolution pending.

9. Convening of an International Financial Conference; resolution of February 13.

10. Investigation of conditions in Russia; resolution of March 14.

11. The menace of typhus and cholera in Eastern and Central Europe; resolution of March 14; reported under Organization of the League, International Health Section.

12. Administration of the Free City of Danzig and authorization of election conditions; resolution of April 12.

13. Repatriation and resupplying of prisoners of war in Siberia; resolution of April 12.

14. Question of the mandate for Armenia; resolution of April 12.

15. Protection of minorities in Turkey; resolution of April 12.

#### i. THE SAAR BASIN

By the Treaty of Peace with Germany the Saar Basin is transferred under various conditions to the usufruct of France "as compensation for the destruction of the coal mines in the north of France and for part payment toward the total reparation due from Germany from the damage resulting from the war." The coal mines in the basin are ceded "to France with full and absolute possession," details for the cession and exploitation of mining property being set forth in an annex. The government of the basin territory and provisions for a plebiscite at the termination of a period of 15 years are set forth. By Article 49 of the treaty Germany renounces in favor of the League of Nations, in the

capacity of trustee, the government of the territory; while paragraph 40 of the annex provides that "the decisions of the Council of the League of Nations will be taken by a majority" in all matters respecting it. The Saar Basin, with the exception of the mines, will therefore have a League of Nations government until January 10, 1935.

This responsibility was the subject of the first business transacted by the Council of the League, whose initial duty was to determine the limits of the territory affected. The Council on January 16 passed the following resolution:

Whereas Article 48 of the Treaty of Peace of June 28, 1919, between the Allied and Associated Powers and Germany after having indicated the frontiers of the territory of the Saar Basin stipulates that:

"A Commission composed of five members, one appointed by France, one by Germany, and three by the Council of the League of Nations, which will select nationals of other Powers, will be constituted within 15 days from the coming into force of the present Treaty to trace on the spot the frontier line described above."

Whereas the first procès-verbal of the deposit of ratifications as laid down by the final provisions of the Treaty of Peace between the Allied and Associated Powers and Germany has been completed in Paris on January 10, 1920, and whereas from the date of January 10, 1920, begin the 15 days fixed by Article 48 in which the Frontier Delimitation Commission for the territory of the Saar Basin is to be constituted:

Article 1. Colonel Wace (British Empire), Colonel Leite de Castro (Brazil) and Commandant Kobayashi (Japan) are appointed members of the Frontier Delimitation Commission of the territory of the Saar Basin.

Article 2. The Secretary-General of the League of Nations will communicate the present resolution to the French and German Governments, to the members of the Frontier Commission for the territory of the Saar Basin, and to the President of the Governing Commission of the territory of the Saar Basin.

Article 3. All expenses arising from the delimitation of the territory of the Saar Basin will be charged to the Government of that territory.

#### GOVERNMENT OF THE BASIN

As the government of the Saar Basin is entirely under the control of the Council, the necessary decisions concerning it were put on the program of the second meeting of the Council.



On February 13, Mr. Caclamanos, the representative of Greece, reported on the future government of the Basin. He stated that according to the instructions of the Council he had to submit to the meeting for their approval the following considerations concerning the government of the Saar Basin, the appointment of the Commission to which this government is intrusted, and the petition of certain German inhabitants of regions adjacent to the Saar Basin.

The Council proposed that the government of this territory should be intrusted, according to the Peace Treaty, to a commission representing the League of Nations which shall consist of five members: One citizen of France, one native inhabitant of the Saar Basin not a citizen of France, and three members belonging to three countries other than France or Germany. The five members will be appointed for one year by the Council of the League of Nations, and may be reappointed. They will be entitled to a salary which would be fixed by the Council of the League and charged on the local revenues. The chairman of the Governing Commission would be appointed for one year from among the members of the Commission by the Council of the League of Nations, and might be reappointed. The chairman would act as the executive of the Commission.

It seemed to him that the chairmanship should fall to the French member of the Governing Commission. The economic development, and in general the prosperity of the population of the Saar Basin, largely depended on the assistance that the French Government might grant them. In fact, by the stipulations of the Peace Treaty itself, the whole and absolute possession of the mines situated in the Saar Basin fell to France, who might exploit them without restriction. Moreover, the treaty stipulated that the territory of the Saar Basin should be subjected to the French customs régime. By insuring to the French state the possession and exploitation of the mines of the Saar on one hand, and on the other by intrusting it with the administration of the customs, the Peace Treaty had granted to France a body of rights concerning which the French Government was not required to consult the Governing Commission.

It was necessary, nevertheless, that these rights be exercised in complete accord with the aforesaid commission as to the method



of their application. The welfare of the population of the Saar and the necessity of maintaining order in this region require a close collaboration between the French Government, which by the treaty controls a very important part of the economic life of the basin, and the Governing Commission, to which the Council intrusts its administration.

Within the territory of the Saar Basin the Commission would have all the powers of government hitherto belonging to the German Empire, Prussia or Bavaria, including the appointment and dismissal of officials, and the creation of such administrative and representative bodies as it may deem necessary. It shall have among other powers to administer and operate the railways, canals, and the different public services. Its decisions shall be taken by a majority. The commission will establish an appellate court and all justice will be rendered in its name. It will raise funds by taxation and dues for the needs of the territory. The basin is fully disarmed, being the first portion of the civilized globe where there is now no military service, compulsory or voluntary.

The Council resolved that the following be appointed members of the Saar Basin Governing Commission for a period of one year: Mr. Rault, state councillor (French), Alfred von Boch (Landrath de Sarrelouis) (Sarrelouis), Major Lambert (Belgian), Count de Moltke Hvitfeldt (Dane).

Mr. Rault was appointed chairman of the Commission.

#### PROCLAMATION TO THE PEOPLE

The commission was organized without delay and established itself at Saarbrück. It forthwith issued a proclamation to the inhabitants of the Basin in which it was said:

It is in the name of the League of Nations which established it that the Governing Commission will administer the territory of the Saar Basin and will exercise there all the powers formerly belonging to the German Empire, to Prussia and to Bavaria. It is determined to execute the clauses of the Treaty of Versailles strictly and to cause them to be observed by all, in letter as well as spirit. It regards as its first duty the meriting of the confidence of the population whose fate has been placed in its hands.

It is firmly resolved to maintain order and tranquillity throughout the whole extent of the Saar territory. Under its control the inhabitants will

conserve their local assemblies, their religious liberties, their associations, their schools and their language. Provisions will be made for the protection of their persons and their property.

The commission, mindful of its duty, will have to impose respect for its authority and repress without weakness all attempts, from whatever source, to disturb or mislead the population. The Treaty of Peace does not leave the commission disarmed: the rights conferred upon it will permit it to devote itself to its task without being embarrassed by unprofitable and criminal opposition.

Inspired by the principles which have actuated the constitution of the League of Nations, it is animated in respect to the population by the most liberal and benevolent sentiments. It will strive to restore wealth to the country and to bring calm to the spirit once more. It knows that a very long period of uncertainty has compromised worthy interests. It proposes to create a stable régime and to set up a regular administration of the territory.<sup>1</sup>

## ii. ADMISSION OF SWITZERLAND

The question of Switzerland's entrance into the League of Nations as an original member was one of the most important problems solved in the early days of the Council's existence. Switzerland occupies a position of natural and inevitable neutrality in the continent of Europe by reason of geography, race, language and political considerations. The question that she faced was, therefore, whether her neutrality was compatible with membership in the League; and, if not, whether neutrality or membership was to be preferred. Switzerland herself is as much if not more devoted to the cause of peace as any other state. She occupied a most difficult position with great credit to herself during the World War.

About the time the Principal Allied and Associated Powers began the study of the actual problem of the League of Nations the Swiss Peace Society, on October 24, 1917, petitioned the Federal Council to establish a consultative commission to "study the conditions under which Switzerland could enter such a federation." This suggestion was followed and in November, 1918, the commission had prepared a project embodying its ideas, which was formally submitted to the Federal Assembly by the Federal Council on February 11, 1919. The first draft of the

<sup>1</sup>*Le Temps*, February 28, 1920.

Covenant was published February 14, and in the meeting five weeks later between the League of Nations Commission of the Interallied Peace Conference and representatives of neutral states, Switzerland made ten out of the 27 proposed amendments.

### TENDER OF HOSPITALITY TO LEAGUE

Mr. Calonder, president of the Political Department of the Federal Council, that is, minister for foreign affairs, wrote to President Clemenceau of the Peace Conference and to the president of its League of Nations Commission in a letter dated March 22 as follows:

At the close of the semi-official conference called to learn the views of neutrals, Lord Robert Cecil declared that the States invited to this conference would be welcomed in the League of Nations.

I take this opportunity to inform you that Switzerland would consider it a great honor to be able to offer the hospitality of its territory in case the League of Nations should desire to establish its seat in our country.

The Swiss Government and people would be happy and eager thus to manifest their keen desire to collaborate in the work of world pacification undertaken by the authors of the pact. The political and humanitarian conditions of the Helvetian Confederation, its democratic institutions, its geographical position seem to recommend it to the choice of the conference over which you preside.

Now and in the future, I can assure you that the federal, cantonal and municipal authorities would be glad to offer the League all the facilities and advantages it might desire.<sup>1</sup>

This suggestion was followed and the draft passed by the Peace Conference at its plenary session, April 28, named Geneva as the seat of the League. When the treaty was handed to the Germans on May 7, it contained an article respecting Switzerland, which was unchanged during the negotiations and appears in the treaty signed on June 28 as follows:

Article 435. The High Contracting Parties, while they recognize the guaranties stipulated by the Treaties of 1815, and especially by the Act of November 20, 1815, in favor of Switzerland, the said guaranties constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions,

<sup>1</sup>Annexe au Message du Conseil fédéral à l'Assemblée fédérale concernant la question de l'accession de la Suisse à la Société des nations, 223.

declarations and other supplementary Acts concerning the neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna and in paragraph 2 of Article 3 of the Treaty of Paris of November 20, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.

The High Contracting Parties also agree that the stipulations of the Treaties of 1815 and of the other supplementary Acts concerning the free zones of Upper Savoy and the Gex district are no longer consistent with present conditions, and that it is for France and Switzerland to come to an agreement together with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable by both countries.<sup>1</sup>

The same text is Article 375 of the Treaty of Peace with Austria, signed September 10, 1919, and Article 291 of the Treaty with Bulgaria, signed November 27.

#### REPORT ON LEAGUE AND VOTE TO ACCEDE

The Federal Council sent a message to the Federal Assembly, August 4, 1919, which is a very extensive study and analysis of Switzerland's relations to the League. Accompanying this message was a project of law which contemplated that "a fourth chapter (League of Nations) will be added to the federal constitution of May 29, 1874." The Federal Assembly on November 21 voted the following decree:

The Federal Assembly of the Swiss Confederation, after having taken notice of a message from the Federal Council, dated August 4, 1919, stating that the perpetual neutrality of Switzerland, recognized notably by the Act of November 20, 1815, is considered, by Article 435 of the Peace Treaty concluded on June 28, 1919, by the Allied and Associated Powers and Germany, as an international engagement for the maintenance of peace, and that the perpetual neutrality of Switzerland must, in accordance with Article 21 of the pact of the League of Nations, not be considered as being incompatible with any of the provisions of the said pact; hoping

<sup>1</sup> On May 5, 1919, the Swiss Government sent a note to the French Government expressing its adherence to these terms. Proper observance of the terms respecting the zones created some difficulty during the war and the understanding in the article was based upon an exchange of notes in 1914.

that the present League of Nations will expand in a future not far distant in such a manner as to become universal, decrees:

Article 1. Switzerland accedes to the pact of the League of Nations adopted on April 28, 1919, by the Peace Conference assembled in Paris.

The provisions of the Federal Constitution concerning the promulgation of federal laws are applicable to the ratification of the amendments affecting said pact and to the approval of conventions of all kinds which have connection with the League of Nations.

The decisions relative to the denunciation of the pact or to withdrawal from the League of Nations must be submitted to vote of the people and the cantons.

Article 121 of the Federal Constitution concerning popular initiative also applies to decisions relative to the denunciation of the pact or to withdrawal from the League of Nations.

Article 2. The present federal decision shall be submitted to the vote of the people and the cantons as soon as the five great Powers shall have adhered to the pact.

Article 3. The Federal Council is charged with the execution of the present decree.

#### NEGOTIATIONS WITH THE POWERS .

The Federal Council on December 6 sent an aide-mémoire to the so-called Supreme Council, transmitting the decree and expressing its opinion

that the vote of the Swiss people and cantons under the federal decree of November 21, 1919, which will be held as soon as circumstances permit, can not necessarily take place within the period provided by Article 1 of the Covenant of the League of Nations. It would be absolutely contrary to the constitutional customs of Switzerland to submit to the people a project of decree of which the juridic basis has not been established, the realization of the League of Nations depending upon the accession of all the states to which the Covenant accords a permanent representation on the Council of the League, on account of their special political importance.

A reply was given by France in the name of the Supreme Council on January 2, 1920. It was stated that the aide-mémoire "could not have a value as a declaration of accession." It was observed that a "declaration of accession subordinated to the result of a referendum could not be regarded as an accession without reservation." Switzerland was corrected in respect to her statement that the League would come into being only on



the ratification of the five principal Powers; the Supreme Council reminded her that the treaty would be in force on the deposit of the ratification of three of the principal Powers. The Swiss Government was inclined to await action by the United States and the Powers took this method of telling her that the United States was not to be counted on.

Switzerland replied with a memorandum of the Federal Council on January 13, and on January 28 the Conference of Ambassadors wrote that "it belongs to the Council of the League of Nations to pronounce concerning the observations presented by your Government." On January 30 the Federal Council sent a note to the Governments represented in the Conference of Ambassadors in which it announced that the Secretary-General of the League of Nations had been requested to put the question of Swiss admission to the League on the calendar of its next meeting.

#### LEAGUE'S COUNCIL HEARS REPORT

This was done and at the second meeting of the Council Mr. Balfour served as reporter on the subject. In his presentation he explained that, although there were technical difficulties in the way, it was the intention of the framers of the Covenant that it was in the highest interests of the League of Nations and its future working that Switzerland should be what Switzerland desired to be—namely, an original member of the League. Those difficulties were of two counts.

One touched upon the date of admission. A nation which desired to be accounted an original member must give in its adhesion within two months of treaty's coming into force, in other words, by March 10. The difficulty in that case was that the referendum required by the Swiss Constitution for dealing with matters of that sort might not be absolutely concluded by that date, although the representative body in Switzerland, the Federal Council, had quite distinctly and explicitly stated on behalf of those they represented that Switzerland desired to be a member of the League.

The other difficulty arose from the fact that the League of Nations had quite explicitly stated that the centuries-old neutrality of Switzerland was in the interests of peace, and was

therefore in conformity with the interest which it was the special business of the League of Nations to guard. On the other hand, complete neutrality in everything economic and military was clearly inconsistent with the position of a member of the League, and therefore at first sight there appeared to be some difficulty in connection with that. They were, however, clearly of opinion that Switzerland was prepared to accept conditions which would bring her within the conditions laid down substantially, if not formally, in the Covenant.

Therefore on that count also, as well as on the first count, they were of opinion that the difficulties which might conceivably be raised against the inclusion of Switzerland should be overruled by the Council, and they had overruled them accordingly.

#### LEAGUE COUNCIL VOTES RESOLUTION

The Council accepted this report and on February 13 adopted the following resolution<sup>1</sup>:

The Council of the League of Nations, while affirming that the conception of neutrality of the members of the League is incompatible with the principle that all members will be obliged to co-operate in enforcing respect for their engagements, recognizes that Switzerland is in a unique situation, based on a tradition of several centuries which has been explicitly incorporated in the Law of Nations, and that the members of the League of Nations, signatories of the Treaty of Versailles, have rightly recognized by Article 435 that the guaranties stipulated in favor of Switzerland by the Treaties of 1815, and especially by the Act of November 20, 1815, constitute international engagements for the maintenance of peace.

The members of the League of Nations are entitled to expect that the Swiss people will not stand aside when the high principles of the League have to be defended. It is in this sense that the Council of the League has taken note of the declaration made by the Swiss Government in its message to the Federal Assembly of August 4, 1919, and in its Memorandum of January 13, 1920, which declarations have been confirmed by the Swiss delegates at the meeting of the Council,<sup>2</sup> and in accordance with which Switzerland recognizes and proclaims the duties of solidarity which membership of the League of Nations imposes upon her, including therein the duty of co-operating in such economic and financial measures as may be demanded by the League of Nations against a covenant-breaking State,

<sup>1</sup>League of Nations Official Journal, March, 1920, 5758.

<sup>2</sup>Gustave Ador, former president, and Max Huber, jurisconsult.

and is prepared to make every sacrifice to defend her own territory under every circumstance, even during operations undertaken by the League of Nations, but will not be obliged to take part in any military action or to allow the passage of foreign troops or the preparation of military operations within her territory.

In accepting these declarations the Council recognizes that the perpetual neutrality of Switzerland and the guaranty of the inviolability of her territory as incorporated in the Law of Nations, particularly in the Treaties and in the Act of 1815, are justified by the interests of general peace, and as such are compatible with the Covenant.

In view of the special character of the Constitution of the Swiss Confederation, the Council of the League of Nations is of opinion that the notification of the Swiss declaration of accession to the League, based on the declaration of the Federal Assembly, and to be carried out within two months from January 10, 1920 (the date of the coming into force of the Covenant of the League of Nations), can be accepted by the other members of the League as the declaration required by Article 1 for admission as an original member, provided that confirmation of this declaration by the Swiss people and cantons be effected in the shortest possible time.

#### NOT TO WAIT LONGER FOR AMERICA

The Federal Council in a complementary message to the Federal Assembly took great satisfaction in reporting this complete solution of Switzerland's difficulties. It seems that Switzerland had sought to hold the popular vote only after the United States had decided to enter the League. In this message the Federal Council proposed that the vote be taken "without waiting until the United States had taken a definite decision." As this was a question likely to affect the vote, it was discussed at some length. The Federal Council stated that the United States would decide not to enter the League, or would enter it only after a relatively long time, or would enter it soon. The last hypothesis offered no difficulty. The first was considered as "extremely improbable." As to the hypothesis that the United States would enter only after a relatively long time, the Federal Council felt sure that "Switzerland could be assured of one day seeing her great American sister take her place in the Council of the League of Nations." But as respecting Switzerland's own question it added: "Whatever the deep sympathies and profound affinities which link the old Helvetic democracy and the trans-Atlantic democracy to-

gether, it would not seem to us very worthy for a state such as ours to place itself in any way in a position of total dependence and to follow so completely in the track of another state." Therefore, the Federal Council proposed to the Federal Assembly that the decree of November 21, 1919, should be amended so as to omit mention of the five great Powers, thus enabling the authorities to proceed with the popular vote regardless of the action of the United States. This was done.

The popular referendum on May 16 resulted in a decision to join the League.

### iii. FREE CITY OF DANZIG

The Free City of Danzig is established by Articles 100-108 of the Treaty of Peace with Germany, the Principal Allied and Associated Powers undertaking to establish the town "as a Free City." The Treaty continues: "It will be placed under the protection of the League of Nations."

A commission for the purpose of delimiting the frontier of the territory is stipulated by the Treaty to be constituted within 15 days of its coming into force. This commission, appointed by the Principal Allied and Associated Powers, includes a high commissioner as president, one member appointed by Germany and one member appointed by Poland. Owing to the insistence of Danzig, it was actually appointed several months before the treaty came into force. Sir Reginald Tower, formerly British minister to Argentina and Paraguay, was provisionally appointed high commissioner.

With this exception, all matters of government of the Free City are under the protection of the League of Nations.

At the second meeting of the Council of the League, on February 13, Paul Hymans, sitting for Belgium, moved a resolution concerning the high commissioner of the League of Nations at Danzig. Article 102 of the Treaty of Versailles laid down that the City of Danzig shall be established as a Free City to be placed under the protection of the League of Nations and Article 103 that the constitution drawn up by the duly appointed representatives of the Free City in agreement with a high commissioner to be appointed by the League should be placed under the guaranty of the League. M. Hymans explained that the high

commissioner of the League would also be intrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City of Danzig in regard to the Peace Treaty or any arrangements or agreements made thereunder.

The Council resolved, on the motion of M. Hymans, that Sir Reginald Tower be appointed high commissioner of the League of Nations at Danzig and be invited to submit in due time the constitution of the Free City of Danzig to the approval of the League in order that the constitution might be placed under the guaranty thereof.

The administration of Danzig was on the program of the fourth meeting of the Council, the report being read by Señor Quiñones de Leon, the representative of Spain, on April 12. Sir Reginald Tower as high commissioner had presented to the Council proposals relating to the elections preliminary to drawing up the constitution of the Free City. Señor Quiñones de Leon reported that the proposals of the high commissioner respecting elections should be accepted without delay. After listening to the report in detail the Council sent the following telegram to Sir Reginald Tower:

The Council of the League of Nations has just examined the proposals appended to your letter of March 18 for the elections of the representatives of the Free City of Danzig referred to in Article 103 of the Treaty of Versailles, June 28, 1919. On account of the urgency of these elections, the Council did not desire to raise questions which either required a knowledge of the local situation or the examination of technical details. In the opinion of the Council, the proposals presented seem to fulfill in general the conditions laid down by the Council in its resolution of February 13, 1920. The elections may take place in conformity with these propositions.

The Council has declared that the adoption of these proposals for the present elections are not to constitute a precedent for the decisions which the constituent assembly of Danzig or the Council of the League of Nations may subsequently have to take regarding the articles to be inserted in the constitution of Danzig on the subject of elections.<sup>1</sup>

#### THE PROBLEMS OF DANZIG

As the Free City is rather an experiment in modern international relations, some facts concerning it may be of order. The territory of the Free City on October 8, 1919, contained 351,380

<sup>1</sup>*Le Temps*, April 13, 1920.



persons, excluding German military persons who subsequently left. The territory contains 325 localities, there being 251 rural communes, 69 estate districts and five cities. The administrative district of Danzig had a population of 194,953. The number of households in the territory was 82,798. The Free City has a boundary line 147 miles long, of which 35 is maritime.

Two problems have been concerning the citizens of Danzig since the treaty came into force.

One was the extension of territory, held to be necessary to assure the food supply. The press has also conducted an active campaign to prevent the final boundary from cutting villages and communes in two, as the boundary provided by the treaty does. Two places in particular are desired by Danzig. Dirschau, which now belongs to Poland, is an important railroad center on Danzig's main line of communication with Berlin. It is also the center of the principal farming districts near the Free City, between the Vistula and the Nogat. Hela, a small fishing village on the point of land to the north of Danzig, was recently occupied by the Poles; but it is claimed to be of special importance to Danzig because its lighthouse makes it virtually a part of the port, while it is claimed that unless Danzig plants trees on the point, the harbor will become choked with sand.

The other problem confronting the citizens is that of currency. They do not know whether to use German or Polish money or that of one of the great Powers or a coinage of their own. The present currency is German and some Danzigers fear the effect of their own values following the fluctuations of the German mark. Polish money has not yet been put on a stable basis. An independent currency offers a good many technical difficulties, while conditions of exchange present real difficulties if the currency of one of the great Powers is adopted. Danzig business men seem to favor the German currency for a time.

The population of the Free City was on food rations in the spring of 1920, the weekly ration for February 7 being 1850 grams of bread, 100 grams of meat, 3 pounds of potatoes, 250 grams of grits, one soup tablet, five broth cubes, 125 grams of margarine and 250 grams of beans. Other food products were not rationed, and prices were relatively cheap.<sup>1</sup>

<sup>1</sup> Commerce Reports, April 10, 1920, 200-207.

Danzig is at present connected with Poland by three main railroad lines. The Danzig-Warsaw line runs via Dirschau, Marienwerder and Mława, with a length of about 205 miles; the Danzig-Lodz line runs via Dirschau, Bromberg, Thorn and Łowicz, with a length of 264 miles; and the Danzig-Posen line via Dirschau and Gnesen, with a length of some 200 miles. Poland is contemplating building other lines to connect with the Free City and the latter is anxious to undertake construction in the Werder district between the Vistula and the Nogat, which produces a considerable amount of surplus food, formerly shipped southward into territory that does not belong to the Free City.<sup>1</sup>

The high commissioner has issued an ordinance covering the use of the Danzig merchant flag, effective March 20. The flag is a red field one and a half times as long as it is wide and shows two white crosses, one above the other, each surmounted by a yellow crown, and together occupying the third of the field next to the staff, with which they are parallel. This flag will be used exclusively by merchant vessels, including pilot, fishing, salvage and tug boats, which were the property of persons who on January 10, 1920, were domiciled in the Free City territory and were German nationals. Merchant vessels entered in the registry of the Danzig district court are authorized to fly the Danzig flag, provided that a majority of the shares belong to persons or companies fulfilling requirements as to domicile of the usual character and provided that the ship's husband was domiciled in Free City territory on January 10, 1920, and was a German national. The German law of June 22, 1899, governing the use of the flag by merchant vessels was made generally applicable until it shall be modified by Danzig legislation.<sup>2</sup>

#### iv. PERMANENT COURT OF INTERNATIONAL JUSTICE

Article 14 of the Covenant provides that "the Council shall formulate and submit to the members of the League for adoption plans for the establishment of a Permanent Court of International Justice."

No question excited greater interest among the workers for peace during the pre-war and the war periods than that of a

<sup>1</sup> Commerce Reports, May 5, 1920.

<sup>2</sup> Commerce Reports, April 30, 1920.

permanent court of justice. Arbitration had been extensively practised during the 19th century, and at its close the Emperor of Russia proposed a peace conference in which according to the suggested program there was to be "acceptance, in principle, of the use of good offices, mediation, and voluntary arbitration, in cases where they are available, with the purpose of preventing armed conflicts between nations; understanding in relation to their mode of application and establishment of a uniform practice in employing them."

When the First Hague Conference opened and the project on this part of the program was introduced, Sir Julian Pauncefote criticised it and said: "If we desire to take a step in advance, I am of the opinion that it is absolutely necessary to organize a permanent international tribunal which may be convened on a moment's notice at the request of the contesting nations." Feodor Martens, the Russian jurisconsult, rushed two draft articles providing for the organization of a court of arbitration to the tribune before the session closed. Later Sir Julian Pauncefote himself presented a project, and still later an American draft, which had been incorporated in the instructions to the American delegation, was laid before the conference. With these as a basis, the conference worked out Articles 20-29 of the convention of 1899 for the pacific settlement of international disputes.

### THE HAGUE COURT THAT NOW EXISTS

By these articles the Court was "competent for all arbitration cases unless the parties agree to institute a special tribunal." Each signatory Power selected four persons whose names were "inscribed, as members of the Court, in a list which will be notified by the bureau to all the signatory Powers." When a difference arose, "the arbitrators called upon to form the competent tribunal to decide this difference must be chosen from the general list of members of the Court." This Court was duly formed April 9, 1901, and up to the present time it has decided 15 cases. It is proper also to observe that this Court has neither been put out of business by the World War nor relegated by the Covenant. Three cases are pending before it now. Article 13 of the Covenant provides that for the consideration of any dispute generally suitable

for submission to arbitration "the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them." The majority of the 200 arbitration treaties in force provide—to quote from the Franco-American treaty of February 10, 1908, which is a standard text of 28 such American treaties—that differences submissible under it "shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899."<sup>1</sup>

Though recognized as a great advance over what had existed, the Hague Court was obviously susceptible of improvement. Elihu Root as secretary of state of the United States in his instructions to the American delegates to the Second Hague Conference, writing under date of May 31, 1907, said: "If there could be a tribunal which would pass upon questions between nations with the same impartial and impersonal judgment that the Supreme Court of the United States gives to questions arising between citizens of the different states, or between foreign citizens and the citizens of the United States, there can be no doubt that nations would be much more ready to submit their controversies to its decision than they are now to take the chances of arbitration. It should be your effort to bring about in the Second Conference a development of the Hague Tribunal into a permanent tribunal composed of judges who are judicial officers and nothing else, who are paid adequate salaries, who have no other occupation, and who will devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility. These judges should be so selected from the different countries that the different systems of law and procedure and the principal languages shall be fairly represented."

In accordance with these instructions, the American delegates succeeded in bringing the matter before the conference, but the 44 states represented failed to agree upon a method for selecting a court of some 15 judges from thrice as many states with perfect equality to all. The draft convention was, however, made an official

<sup>1</sup> For details concerning arbitration treaties, see Denys P. Myers, *Arbitration Engagements now existing in Treaties, Treaty Provisions and National Constitutions* (World Peace Foundation Pamphlet Series, V, No. 5, Part III).

part of the Final Act of 1907, and the subject was again upon the program of the Third Hague Conference, which was due to be held in 1915.

#### PEACE CONFEREES REFER PROBLEM TO LEAGUE

In view of the difficulties encountered in attempting to organize a court in 1907 and the failure to solve the problem in the interval, the framers of the Covenant believed it was impracticable for them to dictate an answer to a problem which so nearly affected the sovereign powers of member states. Moreover, states neutral respecting the war had been among the leading exponents of the court, and had been especially active in working for its realization and in studying its problem; it would have been both unfair and injurious to the effort to secure the best solution if the Interallied Peace Conference had foreclosed their interest in the matter. The negotiators therefore provided for its solution by the League when organized. The organization committee of the League, appointed on April 28, 1919, gave early and careful attention to the subject and made the suggestion that the matter should first be studied by a committee of eminent international jurists.

Léon Bourgeois, sitting for France, presented the report on the organization of a permanent Court of International Justice at the second meeting of the Council on February 13. He said:

"Like the individuals who make up the states they belong to, the League of Nations can exist only by scrupulously respecting the rights of every one of its members. Its aim is to establish the reign of justice in a world convulsed by the most murderous of wars; it must be founded on justice. If justice is to reign, it must have a permanent instrument, a visible interpreter to make clear its existence in the eyes of the nations, and fortify their weakness, so often defenseless, with the arm of its own strong, impartial and supreme authority.

"Private individuals, to whatever party they may belong, know where to find judges ready to hear their complaints, and to settle as the law requires who will resolve the differences which divide them. Besides and beyond these national courts whose duty it is to administer the laws of each state within the limits of its territorial jurisdiction, there is room for an international tribunal



intrusted with the lofty task of administering international law and of enforcing between nations that principle of securing to each man what is his own, which is the law of human intercourse. This will be the Permanent Court of International Justice, whose essential and early establishment was provided for by the Covenant of the League of Nations, though the task of bringing it into being was left to the Council.

“‘The Council,’ runs Article 14 of the Covenant, ‘shall formulate and submit to the members of the League plans for the establishment of a Permanent Court of International Justice. This Court shall deal with all international disputes submitted to it by the parties concerned. It will also give its advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.’

#### IMMEDIATE ORGANIZATION REQUIRED

“This Court of Justice which is about to be established, whose general jurisdiction has thus been briefly described, has already been invested with certain definite powers by the Peace Treaty of Versailles and the other treaties modeled upon it. Articles 336, 337 and 386, for instance, of the Treaty of Versailles intrust to the tribunal set up by the League of Nations the investigation and solution of various problems concerning international waterways. Articles 415 to 420 and 423, on the organization of labor, bring within the jurisdiction of the Court a charge more notable still. To give full effect to these powers, and curtail these temporary measures of accepted urgency (see Articles 425 and 426), it is essential that the organization of the Permanent Court of International Justice should be dealt with without delay. That is why the Council has been summoned to study this problem at its meeting in London.”

M. Bourgeois detailed points on which agreement had been easy at the Second Hague Peace Conference regarding the creation of the Permanent Court, and said it was not so, however, when it came to deciding how the members of the Court should be appointed.

“The number of judges,” he said, “had necessarily to be restricted, and there could be no question of giving a representative to each of the 44 states which had taken part in the work of the

conference. But how was a choice to be made between Powers of equal sovereignty, equally jealous of their prerogatives? Should the selected judges, to the number of, say, 15 or 17, be chosen for their ability and without distinction of nationality by the General Assembly of the Court of Arbitration, or by the representatives of the states? Should they be drawn by lot, for each case, from among representatives nominated by each one of the 44 states invited to the Conference? Would a rotation roll be possible, as was proposed by the United States and decided for the International Prize Court, each of the great Powers to have a permanent judge, while the others would have a judge only for a number of years commensurate with their importance?

"On this question, which threatened the very principle of the legal equality of nations, the conference could arrive at no satisfactory conclusion; it therefore gave up the idea of itself organizing the court which it essentially approved, and contented itself with inserting in the final report of its labors a simple hope expressed in these words: 'The Conference recommends to the signatory Powers the adoption of the annexed convention and scheme for the establishment of a Court of Justice by Arbitration and for its putting into force as soon as an agreement has been reached on the nomination of judges and the constitution of the court.'

"It is for the League of Nations, outcome of the war of nations, to-day to realize this hope to which the Institute of International Law subscribed at its meetings at Christiania in 1912. Moreover, circumstances are singularly favorable for its immediate realization. From all parts of the devastated and tormented world goes up a cry and a demand for justice. The military and moral unity which for five years held the free peoples together, and concentrated their efforts to defend the right, must survive our victory; it could not find nobler expression or a more splendid symbol than in the establishment, at last recognized as possible, of a Permanent Court of International Justice. This instrument of the League of Nations, this Court, however it be composed, will be set free from all national preoccupations, for the exercise of its sovereign jurisdiction and the Council's intervention in the choice of its members, nay even that of the Assembly of the League, will be calculated to remove all anxieties and to guarantee against all attack the guardian principle of the equality of nations.

## COMMITTEE OF JURISTS APPOINTED

"It appears to us that the study of the principal problems of our mandate might usefully be intrusted to a commission of legal experts, whose conclusions would be brought up and discussed at one of our next meetings. The duty assigned to our devoted collaborators will be made easier by the extensive researches inspired in various countries by the unfinished work of The Hague. The reports at the Conference to which the problems of the composition and procedure of the Permanent Court often gave rise in 1907, will form the natural point of departure for their inquiry. And this inquiry will leave them to plan for us a scheme designed to satisfy absolute justice, to conciliate the legitimate interests of nations, to crown in the happiest manner possible the evolution of centuries whose laborious history we have related."

M. Bourgeois then proposed that the Committee to report on the Permanent Court of International Justice should consist of the following international jurists, whose names he read:

Satsuo Akidzuki, formerly Japanese ambassador to Vienna, one of the legal advisers of the Japanese Peace Delegation in Paris.

Rafael Altamira, professor of law in Madrid University, senator.

Clovis Bevilacqua, professor of law and legal adviser to the minister of foreign affairs, Brazil.

Baron Descamps, Belgian minister of state.

Luis Maria Drago, formerly foreign minister, Argentine Republic.

Carlo Fadda, professor of Roman law at Naples University.

Henri Fromageot, legal adviser to the French Foreign Ministry.

Gregers W. W. Gram, former member of the Supreme Court of Norway.

Baron Loder, member of the Cour de Cassation of the Netherlands.

Lord Phillimore, English Privy Councillor, Lord Justice of Appeal, 1913-1916, president of Committee of Inquiry appointed by the British Government on the subject of the League of Nations.

Elihu Root, former secretary of state, United States, president of the American Society of International Law.

Milenko R. Vesnich, ambassador extraordinary and minister plenipotentiary of the Serb-Croat-Slovene State at Paris.

Mr. Balfour then, from the chair, formally moved that those gentlemen be invited to form the committee to prepare the plans for the Court, and the proposal was carried.

## ROOT WITH COMMITTEE IN JUNE

Mr. Balfour remarked that it would not have escaped notice that the list included the distinguished name of Mr. Root, the well-known American publicist. "It may be," said Mr. Balfour, "that for one reason or another Mr. Root will not find it possible immediately to accept, but the Council formally put on record that Mr. Root will always be welcome at whatever stage of our proceedings he feels it within his power to add to our deliberations the great weight of his learning and his name."

The members of the committee appointed have all accepted and will hold their first meeting in Europe in June. Several of them are known to have plans for the constitution of the Permanent Court, while other projects will be forthcoming. In February the Government of the Netherlands invited representatives of Switzerland, Denmark, Norway and Sweden to meet with its own representatives in the Peace Palace at The Hague to consider plans for such a Court. Each state presented its own plan and these were co-ordinated into a single draft for presentation to the Secretary-General of the League. Its salient features are:

Complete equality of states in the nomination of members of the court.

The court must be free from every political influence, the judges being independent in their actions of the influence even of the Governments which appointed them.

The law faculties of universities to be consulted in the selections for membership.

The nominations of judges to be for nine years or for life; the judges must live in the city selected as the permanent site of the court.

Salaries and costs to be shared equally by the members of the League. States not members of the League to be permitted to participate in the court's benefits, appearing as plaintiffs or defendants.

The interests of private persons to be tried only in so far as their state takes over their claims.

The court only to decide cases of an international legal character.

The general procedure to follow the plan approved by the Second Peace Conference of 1907.

Each party in a suit to pay his own expenses.

## V. INTERNATIONAL FINANCIAL CONFERENCE

On January 15, 1920, the Governments of the United States, France, Great Britain, Denmark, the Netherlands, Norway,

Sweden and Switzerland received a memorial<sup>1</sup> from groups of very prominent citizens in the respective countries. This memorial had been prepared on the initiative of Dutch citizens and dealt specifically and in detail with the elements of the current financial crisis, pointing out the necessity for common action as the sole means of remedying the existing condition.

The simultaneous presentation of such a memorandum to eight Governments by distinguished citizens would have been an event in itself; but the presentation of this memorial has been given added importance by reason of the fact that it started the train of circumstances which has caused the Council of the League of Nations to call an International Financial Conference in accordance with the suggestion of the memorial. In other words, the memorial of private citizens resulted in the Council of the League of Nations taking up within a month of its birth one of the most pressing of world problems with a view to seeking its solution.

The memorial presented to the British Government was referred to the chancellor of the exchequer for study. He met the British memorialists on February 3, and on February 11 wrote to them<sup>2</sup> that under specified circumstances "his Majesty's Government will be prepared to appoint representatives if invited to do so by one of the neutral countries, or by the League of Nations, on being satisfied that the conference will assume a really representative character."

The Supreme Economic Council in session at Paris on February 8 had passed the following resolution:

The Supreme Economic Council has examined the general financial situation resulting from the crisis in exchange and expresses the opinion that the four competent ministers of France, Great Britain, Italy and Belgium should meet shortly to study the possibility of common measures destined to remedy this crisis.

To give an idea of what actually concerned the memorialists, the British Government and the Supreme Economic Council at that time it may be stated that the English pound sterling, which has a normal dollar value of \$4.867, then had a value of about \$3.37 on the New York exchange. The pound sterling was less

<sup>1</sup>See text of this memorial, below, pages 76-82.

<sup>2</sup>See full text of letter, below, pages 82-86.



affected than other European moneys and, as the Europeans were chiefly concerned with their own trade, some comparisons of foreign moneys on the London exchange may be cited. There are normally 25 francs to the English pound; the quotation was above 48. The Italian lira is of the same value; the quotation was 61; the Belgian franc, 47; the Spanish peseta, 19, and the Finnish markkaa ran 82 to the pound. The German mark normally stands at 20.5 to the pound; Berlin exchange ran above 335 per pound. The Austrian krone has a normal value of 24 to the pound, but it required a thousand of them to match the English unit.

#### COUNCIL VOTES TO CONVENE CONFERENCE

This situation and the documents were so fresh in the minds of the members of the Council of the League at their second meeting on February 11-13 that it was decided to consider what could be done, even though the question itself was not upon the formal program of business. After discussions in private by members of the Council, Mr. Balfour on February 13 referred to the financial crisis, and said that everybody who had studied this question, and, indeed, most people whether they had studied the question or not, were only too painfully aware of the difficult position in which Europe found itself at present owing to the financial difficulties in which so many of its constituent nations were involved, and the difficulties which exchange imposed upon the healthy readjustment of trade and the return to the normal economic conditions. Under those circumstances the Council of the League, he said, had taken note of a published declaration of the British Chancellor of the Exchequer, dated February 11, on the subject of the possible participation of Great Britain in an International Conference on the subject of the world-wide financial exchange crisis, and they had decided as follows:

Article 1. The Council of the League of Nations shall convene an International Conference with a view to studying the financial crisis and to look for the means of remedying it and of mitigating the dangerous consequences arising from it.

Article 2. A commission composed of members of the Council nominated by the President is instructed to summon the States chiefly concerned to this Conference, and to convene it at the earliest possible date.

### TWENTY-FIVE STATES INVITED

Invitations to the conference to be held at Brussels the last of May were sent out on April 15 to the following 25 states:

Argentine Re-	France,	Portugal,
public,	Greece,	Rumania,
Australia,	Holland,	Serb-Croat-Slovene
Belgium,	India,	State,
Brazil,	Italy,	South Africa,
Canada,	Japan,	Spain,
Chile,	New Zealand,	Sweden,
Czecho-Slovakia,	Norway,	Switzerland,
Denmark,	Poland,	United Kingdom.

The letter of invitation explained that other states, members of the League, will be invited to send to the Council, as soon as possible, any proposals which they would like to have considered by the conference. The Council of the League was informing the United States Government—which is not a member—of the proposed conference, and inviting them to send representatives to the conference or to be associated with the work of the conference. The Council might invite states not included in the above list, that is, Germany and Austria, to communicate to the conference full information regarding their financial and economic situation, and, if necessary, it would decide under what conditions these states might be heard.

In order to facilitate the preparations for the conference, the different Governments were asked to forward to the Secretary-General, as soon as possible, any suggestion for dealing with the present financial difficulties which it might desire to submit to the conference, together with a statement indicating any steps it may have taken for dealing with the situation. It was suggested that the general expenses in connection with the organization of the conference should be met by the League of Nations, and the expenses and salaries of the delegations by their respective Governments.

The Governments of the different countries invited to the conference are asked to send not more than three delegates conversant with public finance and banking as well as with general

economic questions; the names of the delegates to be notified to the Secretary-General of the League of Nations. The Council will nominate the President of the conference and will supply the necessary personnel for the secretariat. The exact date of the meeting would be announced by the Secretary-General later.

The Council will insure that all the members of the League are kept fully informed of the proceedings of the conference. A report containing the conclusions reached by the conference and any observations which the nations not taking part in the conference may desire to transmit will be presented to the Assembly of the League.

#### UNITED STATES ASKED TO PARTICIPATE

The invitation to the United States is in the following terms:

The Secretary-General of the League of Nations is instructed by the Council of the League of Nations to communicate to the United States Government the text of an invitation to an International Financial Conference, which the Council is addressing to the states, members of the League of Nations.

The world is at this moment in a condition of economic and financial disorder, with results which are at present so serious and may in the future become so dangerous that the League of Nations can not ignore them without failing in its most essential duties.

In taking the initiative of convening a Financial Conference to meet at Brussels within the next few weeks, the Council of the League fully realizes the difficulty of the problem under consideration, and it does not ask the conference for a complete solution. It desires that the present situation should be discussed from an international point of view; and the delegates meeting at Brussels will be invited to conduct the debate on a higher plane than the mere consideration of the special problems and interests of each state.

The purpose of the Conference is not to recast the economic system of the world, but to obtain suggestions for its improvement by the impartial examination of the present situation and the formulation of practical conclusions by the best qualified experts in each country.

Recognizing the economic and financial importance of the United States, the Council of the League of Nations expresses the earnest hope that the United States Government will wish to avail itself of the opportunity of the United States being represented at the conference, or of being associated with its work.

A memorandum issued by the League of Nations on the program of the conference says:

It is evident that direct loans granted by Governments will play only a secondary rôle in the financial reconstruction of Europe, except in the measure in which they have already been voted by the British Parliament and the American Congress to aid certain countries. During the last two months they have been forced to face this fact when they have studied the problem of the restoration of their credit, and the conference will concern itself before all in seeking to find how normal credit can be re-established. In sum, the conference, which will be essentially a European conference, will try to find a solution of the difficulties of Europe.

MEMORIAL PRESENTED BY CITIZENS OF THE UNITED STATES, THE UNITED KINGDOM, FRANCE, THE NETHERLANDS, SWITZERLAND, SWEDEN, DENMARK AND NORWAY TO THEIR RESPECTIVE GOVERNMENTS  
ON JANUARY 14-15, 1920

The undersigned individuals beg leave to lay before their Governments a proposal that the Governments of the countries chiefly concerned, which should include the United States, the United Kingdom and the British Dominions, France, Belgium, Italy, Japan, Germany, Austria, the neutral countries of Europe and the chief exporting countries of South America, should be invited forthwith (the matter being of the greatest urgency) to convene a meeting of financial representatives, for the purpose of examining the situation, briefly set forth below, and to recommend, in the event of their deciding that co-operative assistance is necessary and advisable, to whom and by whom assistance should be given and on what general conditions.<sup>1</sup>

They venture to add to the above recommendation the following observations:

The war has left to conqueror and conquered alike the problem of find-

<sup>1</sup>The American preamble reads:

"The undersigned individuals beg leave to lay before their Government, the Reparations Commission and the Chamber of Commerce of the United States the following observations and to recommend that the Chamber of Commerce of the United States designate representatives of commerce and finance to meet forthwith (the matter being of the greatest urgency) with those of other countries chiefly concerned, which should include the United Kingdom and the British dominions, France, Belgium, Italy, Japan, Germany, Austria, other neutral countries of Europe, the United States and the chief exporting countries of South America, for the purpose of examining the situation briefly set forth below and to recommend upon the basis of authentic information what action in the various countries is advisable among the peoples interested in reviving and maintaining international commerce."

ing means effectively to arrest and counteract the continuous growth in the volume of outstanding money and of Government obligations, and its concomitant, the constant increase of prices. A decrease of excessive consumption and an increase of production and taxation are recognized as the most hopeful—if not the only—remedies. Unless they are promptly applied, the depreciation of money, it is to be feared, will continue, wiping out the savings of the past and leading to a gradual but persistent spreading of bankruptcy and anarchy in Europe.

There can be no social or economic future for any country which adopts a permanent policy of meeting its current expenditure by a continuous inflation of its circulations, and by increasing its interest-bearing debts without a corresponding increase of its tangible assets. In practice every country will have to be treated after careful study and with regard to its individual conditions and requirements. No country, however, is deserving of credit, nor can it be considered a solvent debtor, whose obligations we may treat as items of actual value in formulating our plans for the future, that will not or can not bring its current expenditure within the compass of its receipts from taxation and other regular income. This principle must be clearly brought home to the peoples of all countries; for it will be impossible otherwise to arouse them from a dream of false hopes and illusions to the recognition of hard facts.

### GERMANY'S AND AUSTRIA'S BURDENS

It is evident that Germany and Austria will have to bear a heavier load than their conquerors, and that, in conformity with the Treaty of Peace, they must bear the largest possible burden they may safely assume. But care will have to be taken that this burden does not exceed the measure of the highest practicable taxation, and that it does not destroy the power of production, which forms the very source of effective taxation. For the sake of their creditors and for the sake of the world, whose future social and economic development is involved, Germany and Austria must not be rendered bankrupt. If, for instance, upon close examination, the Commission des Réparations finds that, even with the most drastic plan of taxation of property, income, trade, and consumption, the sums that these countries will be able to contribute immediately toward the current expenses of their creditors will not reach the obligations now stipulated, then the Commission might be expected to take the view that the scope of the annual contribution must be brought within the limits within which solvency can be preserved, even though it might be necessary for that purpose to extend the period of instalments. The load of the burden, and the period during which it is to be borne, must not, however, exceed certain bounds; it must not bring about so drastic a lowering of the standard of



living that a willingness to pay a just debt is converted into a spirit of despair and revolt.

It is also true that among the victorious countries there are some whose economic condition is exceedingly grave, and who will have to reach the limits of their taxing powers. It appears, therefore, to the undersigned, that the position of these countries, too, should be examined from the same point of view of keeping taxation within the power of endurance, and within a scope that will not be conducive to financial chaos and social unrest.

The world's balance of indebtedness has been upset and has become top-heavy and one-sided. Is it not necessary to free the world's balance-sheet from some of the fictitious items which now inflate it, and lead to fear or despair on the part of some and to recklessness on the part of others? Would not a deflation of the world's balance-sheet be the first step toward a cure?<sup>1</sup>

When once the expenditure of the various European countries has been brought within their taxable capacity (which should be a first condition of granting them further assistance), and when the burdens of indebtedness, as between the different nations, have been brought within the limits of endurance, the problem arises as to how these countries are to be furnished with the working capital necessary for them to purchase the imports required for restarting the circle of exchange, to restore their productivity, and to reorganize their currencies.

The signatories submit that, while much can be done through normal banking channels, the working capital needed is too large in amount and is required too quickly for such channels to be adequate. They are of opinion, therefore, that a more comprehensive scheme is necessary. It is not a question of affording aid to a single country, or even a single group of countries which were allied in the war. The interests of the whole of Europe, and indeed of the whole world, are at stake.

#### SUGGESTED METHODS OF CO-OPERATION

It is not our intention to suggest in detail the method by which such international co-operation in the grant of credit may be secured. But we allow ourselves the following observations:

1. The greater part of the funds must necessarily be supplied by those countries where the trade balance and the exchanges are favorable.

2. Long-term foreign credit, such as is here contemplated, is only desirable in so far as it is absolutely necessary to restore productive processes

<sup>1</sup>This paragraph omitted from the American memorial.

It is not a substitute for those efforts and sacrifices on the part of each country by which alone they can solve their internal problem. It is only by the real economic conditions pressing severely, as they must, on the individual that equilibrium can be restored.

3. For this reason, and also because of the great demands on capital for their own internal purposes in the lending countries themselves, the credit supplied should be reduced to the minimum absolutely necessary.

4. Assistance should as far as possible be given in a form which leaves national and international trade free from the restrictive control of Governments.

5. Any scheme should encourage to the greatest extent possible the supply of credit and the development of trade through normal channels.

6. In so far as it proves possible to issue loans to the public in the lending countries, these loans must be on such terms as will attract the real savings of the individual; otherwise inflation would be increased.

7. The borrowing countries would have to provide the best obtainable security. For this purpose it should be agreed that:

- a. Such loans should rank in front of all other indebtedness whatsoever, whether internal debt, reparation payments, or interallied governmental debt.
- b. Special security should be set aside by the borrowing countries as a guaranty for the payment of interest and amortization, the character of such security varying perhaps from country to country, but including in the case of Germany and the new states the assignment of import and export duties payable on a gold basis, and in the case of states entitled to receipts from Germany, a first charge on such receipts.

The outlook at present is dark. No greater task is before us now than to devise means by which some measure of hopefulness will re-enter the minds of the masses. The re-establishment of a willingness to work and to save, of incentives to the highest individual effort and of opportunities for every one to enjoy a reasonable share of the fruit of his exertions must be the aim toward which the best minds in all countries should co-operate. Only if we recognize that the time has now come when all countries must help one another can we hope to bring about an atmosphere in which we can look forward to the restoration of normal conditions and to the end of our present evils.

In conclusion the signatories desire to reiterate their conviction as to the very grave urgency of these questions in point of time. Every month which passes will aggravate the problem and render its eventual solution

increasingly difficult. All the information at their disposal convinces them that very critical days for Europe are now imminent and that no time must be lost if catastrophes are to be averted.

#### UNITED STATES

EDWARD A. ALDERMAN, FRANK B. ANDERSON, JULIUS H. BARNES, ROBERT S. BROOKINGS, EMORY W. CLARK, CLEVELAND H. DODGE, CHARLES W. ELIOT, HERBERT FLEISCHHACKER, JAMES B. FORGAN, ARTHUR T. HADLEY, R. S. HAWKES, A. BARTON HEPBURN, MYRON T. HERRICK, L. W. HILL, HERBERT HOOVER, H. P. JUDSON, DARWIN P. KINGSLEY, GEORGE H. MCFADDEN, ALFRED E. MARLING, A. W. MELLEN, O. L. MILLS, J. P. MORGAN, WILLIAM FELLOWES MORGAN, F. H. RAWSON, SAMUEL REA, GEORGE M. REYNOLDS, R. G. RHETT, ELIHU ROOT, LEVI L. RUE, CHARLES H. SABIN, JACOB H. SCHIFF, E. R. A. SELIGMAN, JOHN P. SHEDD, JOHN H. SUMMERLIN, JAMES H. STILLMAN, HENRY SUZALLO, WILLIAM H. TAFT, F. W. TAUSSIG, FRANK A. VANDERLIP, FESTUS J. WADE, PAUL M. WARBURG, S. V. WATTS, HARRY A. WHEELER, and DANIEL WILLARD.

#### UNITED KINGDOM

CHARLES S. ADDIS, chairman, Hongkong & Shanghai Banking Corporation, director, Bank of England; H. H. ASQUITH, formerly prime minister; R. H. BRAND, formerly chairman of Supreme Economic Council; ROBERT CECIL BRYCE, ex-ambassador to the United States of America; JOHN R. CLYNES, leader of Labor Party; F. C. GOODENOUGH; EDWARD C. GRENFELL, senior partner, Morgan, Grenfell & Co., director, Bank of England; LORD INCHCAPE, chairman, National Provincial and Union Bank, chairman, P. & O. Steam Navigating Company; R. M. KINDERSLEY, chairman, National Savings Commission, director, Bank of England, partner, Lazard Bros.; WALTER LEAF, chairman, London City & Westminster Bank; REGINALD MCKENNA, chairman, London Joint City & Midland Bank; DONALD MACLEAN, leader, Liberal Party in House of Commons; J. H. THOMAS, leader of Labor Party; RICHARD VASSAR SMITH, chairman of Lloyd's Bank.

#### NETHERLANDS

DR. G. VISSERING, president of the Bank of the Netherlands; C. E. TER MUELEN, banker, member of the firm of Hope and Co.; J. VAN VOLLENHOVEN, manager of the Bank of the Netherlands; JONKHEER DR. A. P. C. VAN KARNEBEEK, minister of state, president of the Carnegie Foundation; J. J. G. BARON VAN VOORST TOT VORST, president of the First Chamber of Parliament; DR. D. FOCK, president of the Second Chamber

of Parliament; JONKHEER DR. W. H. DE SAVORNIN LOHMAN, president of the High Court of Justice; A. W. F. IDENBURG, formerly governor-general of the Dutch East Indies, formerly minister of colonies; S. P. VAN EEGHEN, president of the Amsterdam Chamber of Commerce; E. P. DE MONCHY, president of the Rotterdam Chamber of Commerce; C. J. K. VAN AALST, president of the Amsterdam Bankers' Association; G. H. HINTZEN, banker, member of the firm of R. Mees and Zoonen, Rotterdam; F. M. WIBAUT, Socialistic alderman of Amsterdam; G. M. BOISSEVAIN, economist; E. Heldring, manager of the Royal Dutch Steamship Company; PROF. DR. G. W. J. BRUINS.

#### DENMARK

C. C. ANDERSEN, chairman of the Socialist Party in the Landsting (Upper House); F. I. BORGBJERG, member of the Committee of the Social Group of the Rigsdag (Parliament); I. C. CHRISTENSEN, chairman of the Venstre (Liberal) Party of the Folketing (Lower House); C. C. KLAUSEN, chairman of the Merchants' Association; C. M. T. COLD, chairman of the Danish Steamship Owners' Society; A. VOSS, chairman of the Board of Industry; E. GLUECKSTADT, managing director of the Danske Landmands Bank; J. KNUDSEN, chairman of the Conservative Party in the Folketing; M. MYGDAL, A. TESDORPF and A. NIELSEN, presidents of the Board of Agriculture; J. P. WINTHER, J. AURIDSEN, C. USSING, M. RUBIN and W. STESENSEN, managing directors of the National-Banken in Copenhagen; I. PEDERSEN, chairman of the Venstre Party of the Landsting; E. G. NIPER, chairman of the Conservative Party of the Landsting; C. SLENGERIK, chairman of the Radikal Venstre Party of the Folketing; H. TRIER, chairman of the Radikal Venstre Party of the Landsting.

#### NORWAY

OTTO B. HALVORSEN, Speaker of Parliament; J. TANDBERG, Bishop of Christiania; F. NANSEN, professor; H. LOEKEN, governor of Christiania; B. HOLTSMARK, leader of a political party; A. JAHRSEN, leader of a political party; JOH. L. EMOVINCKEL, leader of a political party; K. BOMHOFF, president, Bank of Norway; ALF BUERCKE, THUNE LARSEN, C. KIERULF, V. PLAhte, CARL KUTCHERATH, CHR. B. LORENTZEN, JOH. H. AARENSEN, THS. FEARNLEY and C. PLATOU, presidents of Financial, Industrial, and Commercial Associations; T. MYRVANG, president, Farmers and Smallholders' Association; P. VOLCKMAR, president, Norske Handelsbank.

#### SWITZERLAND

G. ADOR, president, International Red Cross Committee; E. BLUMER, president, National Council; A. FREY, president, Swiss Union of Com-

merce and Industry; R. DE HALLER, vice-president of the Board of Directors, National Bank; J. HIRTER, president, Council of National Bank; DR. E. LAUR, secretary, Swiss Union of Peasants; A. PETTAVEL, president, Council of States; E. LICOT, federal judge; G. PICTET, banker; A. SARASIN, president, Swiss Association of Bankers; M. SCHNYDER, president, Association of Swiss Press; DR. H. TSCHUDI, president, Swiss Union of Arts and Crafts.

#### SWEDEN

J. G. AF JOCHNICK, president of the Swedish State Bank; V. L. MOLL, first deputy, Swedish State Bank; C. E. KINARDER, president, National Debt Office; J. C. SON KJELLBERG, president, Swedish Bankers' Association; H. LAGERCRANTZ, formerly minister to the United States, President Swedish Exporters' Association; A. VENNERSTEN, formerly minister of finance, president, Swedish Industrial Association; K. A. WALLENBERG, formerly minister of foreign affairs, president, Chamber of Commerce of Stockholm; M. WALLENBERG, managing director, Stockholm Enskilda Bank; O. RYDBECK, managing director, Skandinaviska Kreditaktiebolaget; C. FRISK, managing director, Svenska Handelsbanken; K. H. BRANTING; S. A. A. LINDMAN, formerly prime minister, leader, Conservative Party; L. H. KVARNZELIUS, leader, Liberal Party; COUNT R. G. HAMILTON, leader, Liberal Party; E. TRYGGER, formerly member of High Court of Appeal, leader, Conservative Party; K. G. CASSEL, D. DAVIDSON and E. F. K. SOMMARIN, professors, political economy.

#### LETTER OF THE BRITISH CHANCELLOR OF THE EXCHEQUER TO THE BRITISH MEMORIALISTS

February 11, 1920.

Dear Mr. Brand,—His Majesty's Government have had under consideration the Memorial, dated January 15, which was forwarded by you to the Prime Minister on behalf of the 15 signatories, proposing that the Governments of the countries chiefly concerned, which should include the United States, the United Kingdom and the British Dominions, France, Belgium, Italy, Japan, Germany, Austria, the neutral countries of Europe, and the chief exporting countries of South America, should be invited forthwith to convene a meeting of financial representatives for the purpose of examining the present financial and economic situation of the world, and, in the event of their deciding that co-operative assistance is necessary and advisable, to recommend to whom and by whom assistance should be given, and on what general conditions.

His Majesty's Government understand that an identical memorial was simultaneously presented by representative citizens to certain of the other Governments named in the Memorial, and that an analogous but not



identical memorial was also presented to the Government of the United States of America by representative American citizens.

On the 3d instant I had the pleasure on behalf of his Majesty's Government, in company with two of my colleagues, of meeting the majority of the British signatories to the Memorial, and of obtaining, in the course of an informal discussion, further explanations of the views of the memorialists on the important subjects to which it relates.

In accordance with my promise, I have reported the results of that discussion to the Cabinet, and on behalf of his Majesty's Government I now make the following reply:

The picture which the Memorial presents of the financial and economic conditions resulting from the war, and of the grave economic and social dangers which in consequence confront the whole world, is not, in the opinion of his Majesty's Government, exaggerated. All the information in their possession convinces them of the urgency of the problems to which the Memorial draws attention, and of the added danger which arises from the widespread existence of false hopes and illusions, and the absence of any general recognition of hard facts which, as the Memorial sets forth, are obscured by the apparent plentifulness of money resulting from the continuous growth and the volume of outstanding currency and of Government obligations.

#### BRING EXPENDITURES WITHIN RECEIPTS

The Memorial lays stress on the need for bringing home to the people of each country that, until the current expenditure of that country is brought within its receipts from taxation and other regular income, it can not expect to be treated as a solvent debtor fit to receive further financial help in the form of new credits for reconstructive purposes, as it is on the sure road to bankruptcy and anarchy. I will return to this point later.

The memorialists recognize that Germany and Austria must bear the largest possible burden that they may safely assume; but they add that the scope of the annual contribution which they will be called upon by the Reparation Commission to undertake must, for the sake of their creditors and for the sake of the future social and economic development of the world, be brought within the limits within which solvency can be preserved. His Majesty's Government can not anticipate the conclusions which the Reparation Commission may reach in regard to this matter; but the statement of principle in the Memorial is in accordance with the views adopted throughout by his Majesty's Government and with the provisions of the Treaties of Peace themselves.

The Memorial suggests that, while much can be done through normal

banking channels, the working capital needed to enable the various European countries to purchase the imports required for restarting the circle of exchange, to restore their productivity, and to reorganize their currencies is too large in amount, and is required too quickly for such channels to be adequate, and they express the opinion that a more comprehensive scheme is necessary. They propose, therefore, that a conference of financial representatives should be summoned to survey the situation and to suggest some such comprehensive scheme of international co-operation in the grant of credits, and they sketch in broad outlines certain general conditions under which such credits might be granted.

The memorialists recognize that such co-operative action, if undertaken at all, can not be confined to any particular group of countries. To quote the words of the Memorial: "The interests of the whole of Europe, and indeed of the whole world, are at stake," and, if success is to be obtained, all must co-operate where all are concerned. The hope of useful results from the deliberations of such a conference must, in fact, depend on the extent to which the participation of the various countries mentioned in the first paragraph of the Memorial is secured.

Under these circumstances the changes introduced into the American Memorial and the attitude of the Government of the United States become matters of first-rate importance in the consideration of the course to be adopted by his Majesty's Government. It seems doubtful whether the participation of the United States Government in such a conference could be secured. It is obvious that the attitude of the United States Government must gravely affect the influence, and even the utility, of such a conference as is proposed. But in conversation with my colleagues and myself you and the other gentlemen who accompanied you, whilst explaining that you had never contemplated large loans by Government to Government, argued that such a conference would exercise a powerful influence in securing those measures of internal reform in the countries concerned, which would not only be a necessary preliminary to any further assistance by foreign Governments, but are equally necessary as a preliminary to any extension of commercial credits, and you expressed the belief that the execution of these internal reforms, by stabilizing the currencies of the countries concerned, would lead to the grant of commercial credits on such a scale that any Government assistance which might still be found necessary would be reduced to comparatively small amounts, and need only be given within strictly defined limits.

#### BRITAIN WILLING TO PARTICIPATE

The situation is so grave that his Majesty's Government are unwilling to omit any act which may help to alleviate it by bringing home to all

concerned, in this country and elsewhere, a true appreciation of the nature and character of the difficulties with which the world is confronted, and which may at the same time indicate the only methods by which these difficulties can be overcome. Under these circumstances his Majesty's Government will be prepared to appoint representatives if invited to do so by one of the neutral countries, or by the League of Nations, on being satisfied that the conference will assume a really representative character.

But the limits within which the co-operation of his Majesty's Government is practicable must be clearly understood. They are impressed with the futility of attempts to solve the grave problem of reconstruction by a continuous process of new borrowing, whether in the form of internal loans to cover deficits on current expenditure, or in the form of external loans advanced by one Government to another. They have themselves laid down as a cardinal feature of their own policy the cessation of new borrowing by the British Government, and the establishment of an adequate sinking fund for the reduction of debt out of revenue, and they have taken steps to stop the inflation of currency. His Majesty's Government have also publicly stated that they are not prepared to grant further advances to other Governments, which involve either new borrowings by this country, or the taxation of our nationals for the purpose of making loans to the Governments of other countries, and his Majesty's Government can not, in view of the immense liabilities which this country has already assumed in the prosecution of the war, adopt either of these alternatives.

His Majesty's Government have, however, felt it necessary, in fulfilment of what they conceive to be the duty of the United Kingdom to make a contribution, worthy of the traditions of the nation, to the reconstruction of Europe, to admit certain particular exceptions to the general principle that loans from Government to Government should cease. They are at the present moment engaged in discussion with the Governments of Canada the United States of America, France, and certain other countries, including some which did not take part in the war, in regard to the provision of Government credits to Austria and Poland for the supply of foodstuffs and raw materials sufficient to enable those countries to avert famine, and restart industrial life. His Majesty's Government felt compelled publicly to state in November last, that, however desperate the need, they could not participate in measures of relief unless they were assured of the co-operation of the Government of the United States of America to an extent which would make it certain that this country would not be called upon to incur additional expenditure in the United States of America. The movements of the foreign exchanges since November last emphasized the difficulty with which his Majesty's Government were then confronted. In order, therefore, to avoid any possible misconception, his Majesty's Government

desire to make it absolutely clear that, if they were to agree to take part in a conference such as the memorialists propose, it would not be with the idea that it was possible for the United Kingdom at this stage to make any considerable addition to its liabilities, and that if the grant of credits in any form were to be recommended by the conference, his Majesty's Government would not support or take a share in any scheme which involved an addition to the liabilities of the United Kingdom for expenditure in America.

Yours faithfully,

AUSTEN CHAMBERLAIN.

#### vi. INVESTIGATION OF RUSSIAN CONDITIONS

The Governing Body of the International Labor Office met at Paris, January 27-29, 1920. On the last day Franciszek Sokal, representing the Government of Poland, offered a motion calling for the constitution of a commission comprising employer and worker delegates with a view to studying labor conditions in certain countries of eastern Europe, particularly Russia. He emphasized the importance of an exact knowledge of conditions in Russia in connection with the application of labor conventions. Léon Jouhaux of France approved this proposal in the name of the workers, saying that ignorance regarding Russia is at the bottom of the troubles showing themselves among the working classes of all countries.

G. H. Stuart Bunning, British representative of labor, believed that the problem was essentially political, that if such an inquiry were to be made, the international labor organization should put itself in relation with the League of Nations. Louis Guérin stated that most of the employer delegates were absent and the governmental delegates were without instructions. He therefore proposed that the question be left until the next session. Señor de Eza, Spanish government delegate, remarked that they should not recoil before any responsibility, provided they acted within legal limits; the question should be treated on the basis of the treaty. From the practical point of view this inquiry would be very difficult and he therefore reserved the opinion of his Government.

M. Jouhaux believed that the application of the labor conventions in all countries was at the very basis of the international labor organization and that its competence extended to Russia



as to all other countries without requiring any special authorization. The International Bureau could act without engaging the responsibility of any Government and without any responsibility except that of itself and that of the League of Nations, of which it is a part. Sir Malcolm Delevingne, British government delegate, proposed that they adjourn the debate until the next session; Eugène Mahaim, Belgian government delegate, proposed that the board take the proposal under consideration and report it to the Bureau for study.

Albert Thomas, who had just been elected director of the Bureau pointed out the necessity of taking a decision and the danger of a hasty one. He assured the Governing Body that the Bureau would settle the problem and consult with the League of Nations as to its practical realization.

#### COUNCIL REQUESTED TO ACT

The premiers of the Allied Governments, meeting as a Supreme Council, took cognizance of this discussion and on February 24 announced that they had agreed upon the following conclusions:

If the communities which border the frontiers of Soviet Russia and whose independence or *de facto* autonomy they have recognized were to approach them and to ask for advice as to what attitude they should take with regard to Soviet Russia the Allied Governments would reply that they can not accept the responsibility of advising them to continue a war, which may be injurious to their own interest. Still less would they advise them to adopt a policy of aggression toward Russia. If, however, Soviet Russia attacks them inside their legitimate frontiers the Allies will give them every possible support.

The Allies can not enter into diplomatic relations with the Soviet Government, in view of their past experiences, until they have arrived at the conviction that the Bolshevist horrors have come to an end and that the Government at Moscow is ready to conform its methods and diplomatic conduct to those of all civilized governments.

The British and Swiss Governments were both compelled to expel representatives of the Soviet government from their respective countries because they had abused their privileges. Commerce between Russia and the rest of Europe which is so essential for the improvement of economic conditions, not only in Russia but in the rest of the world, will be encouraged to the utmost degree possible without relaxation of the attitude described above.



Furthermore, the Allies agree in the belief that it is highly desirable to obtain impartial and authoritative information on the conditions now prevailing in Russia. They have therefore noted with satisfaction the proposal before the International Labor Bureau, which is a branch of the League of Nations, to send a commission of investigation to Russia to examine into the facts. They think, however, that this inquiry would be invested with even greater authority and with superior chances of success if it were made upon the initiative and conducted under the supervision of the Council of the League of Nations itself, and they invite that body to take action in this direction.

These conclusions were forwarded immediately by the British premier, David Lloyd George, as president of the Supreme Council, to Sir James Eric Drummond, Secretary-General of the League of Nations, by letter. The communication read:

I have the honor to inform you that the attention of the Supreme Council has been drawn to a proposition forwarded by the International Labor Bureau, which is a branch of the League of Nations, proposing to send to Russia an investigating commission to examine the situation. The Allies agree in thinking it extremely desirable to obtain impartial and authorized information on present conditions in Russia.

Nevertheless, they think such investigation would have greater authority and more chance to succeed if made on the initiative of the Council of the League of Nations itself and under its supervision. The Supreme Council asks that we beg you to invite the Council of the League of Nations to act in this sense.

### LEAGUE LAYS DOWN CONDITIONS

Mr. Balfour acted as reporter on the Russian matter at the third meeting of the Council of the League. In submitting the report he stated that the principle of two simultaneous inquiries had been approved, to be conducted by two commissions of ten members each appointed by the League of Nations and the International Labor Bureau respectively. To prevent difficulties arising between the two commissions the League commission would include a worker and an employer, recommended by the International Labor Bureau, to serve as liaison agents between the two commissions. The Council proposed to establish a secretariat general for the two commissions, of which the chief would be Colonel de Chardigny, recently in charge of the Caucasus

mission. The following resolutions were unanimously passed and announced to the Supreme Council of the Allies:

The Council of the League of Nations, in response to the invitation of the Supreme Council of the Allies, considering that the action requested of it is in conformity with the objects defined by the Covenant of the League of Nations, accepts the constitution of a commission of inquiry charged with collecting impartial and trustworthy information as to the conditions which exist at present in Russia. It takes for granted that the Supreme Council will take this commission under its protection and that it will regard any act committed against the security and dignity of the members of the commission as an act directed against the Allies themselves and that in such case it will take all appropriate measures. The Council makes on this subject a formal declaration to the Supreme Council of the Allies:

1. The commission of inquiry will receive its mandate from the League of Nations.

This commission will be composed of ten members appointed by the Council, each accompanied by two councillors, one of whom will act as secretary. Two of these members, an employer and a worker, shall be nominated by the International Labor Bureau.

A secretariat of the commission will be constituted, the members of which shall be attached to the permanent Secretariat of the League of Nations. M. de Chardigny was appointed chief of the secretariat. A certain number of technical experts are to be designated to accompany him.

2. As far as concerns the proposal of the International Labor Bureau mentioned in the letter of the president of the Supreme Council, the Council of the League of Nations, considering the provisions of Part XIII of the Treaty of Versailles, believes that it is most particularly the province of the International Labor Bureau to inquire concerning the matters set forth in the preamble of that part of the treaty.

The Governing Body of the Bureau, by virtue of the powers conferred upon it by the treaty, will therefore send, if it judges it useful to do so, a commission into Russia to inquire particularly as to these labor questions.

The Council of the League of Nations believes it necessary to establish co-ordination between the different series of research, the labor problems not being separated from a general inquiry as to the present conditions of Russia.

This co-ordination will be assured by the two members, employer and worker, who have been mentioned above and who will be appointed to the general commission of inquiry on the nomination of the Bureau. The Council of the League of Nations expresses the wish that these two delegates should likewise be members of the Bureau's commission of inquiry.<sup>1</sup>

<sup>1</sup>*Le Temps*, March 15, 1920; Official Journal, March, 1920, 65.

### BOLSHEVISTS ASKED TO STATE ATTITUDE

The following telegram was sent to the Bolshevik Government in Russia:

The Council of the League of Nations, having been invited to examine the possibility of sending a commission to Russia, has decided to constitute a commission in order to obtain impartial and reliable information on the conditions now prevailing in that country. The Permanent Secretariat of the League is, therefore, instructed to ask the Soviet authorities whether they are prepared to give this commission the right to free entry and return, and to make arrangements for insuring to the Commission complete liberty of movement, communication and investigation, and to guarantee the absolute immunity and dignity of its members and the inviolability of their correspondence, archives and effects.

The commission will begin its work as soon as these facilities and rights have been formally assured to it.

On receipt of an affirmative reply the composition of the commission will be notified to the Soviet authorities at the earliest possible moment.<sup>1</sup>

The Secretary-General received from the Soviet People's Commissariat for Foreign Affairs the following reply under date of March 22:

Your radio of March 17 was handed to the assistant chairman of the Central Executive Committee, Litvinov, who is now in Moscow. He sent it accordingly to the president of the Central Executive Committee, Kalinin, who is now traveling.

### LABOR BUREAU COMPLETES PLANS

The Governing Body of the International Labor Office discussed the matter during its meeting at London on March 24. It was decided unanimously that it was desirable to send a commission of inquiry and the suggestion of the League of Nations to nominate an employer and worker as members of the League's commission was accepted; but it was not deemed possible that the members so nominated should be members of both commissions, on account of practical difficulties involved.

The Labor Office investigation was to be confined to the objects of Part XIII of the Treaty of Peace with Germany and the inquiry would therefore deal with such matters as hours of work,

<sup>1</sup>League of Nations Official Journal, March, 1920, 66.

wages, protection of workers against accidents, illness, etc., freedom of association, the status of workers in industry, the protection of women and children, and other similar questions. It was agreed that the commission should consist of twelve members, two proposed by the government members of the Governing Body, five by employers' and five by the workers' members, two advisers to accompany each member.

The Secretary-General of the League, not having had any reply to the wireless message sent to the Soviet Government on March 17, sent another dispatch on May 5. To this dispatch no direct reply was returned.

A central Soviet Moscow wireless message announced on May 10 that, in view of the fact that certain members of the League of Nations were actively supporting Poland and Ukraine in warring on Russia, it could not by reason of military considerations admit into Russia any delegation which included representatives of those nations, although the Soviet supported the principle of the League's decision to send an investigating delegation into Russia. The statement complained that the League had failed to protest against Poland's action; declared that the Soviet was ready to admit all newspaper representatives giving guaranties that they would not abuse the hospitality of the Russian people, and would afford facilities to the British trade union delegation as guests of the Russian trade unions. It concluded by stating that a committee had been appointed, comprising Comrades Kamenev, Litvinov and Mursky, who, jointly with Tchitcherin, the foreign minister, were authorized to admit at the proper time the League of Nations' delegation without convoking a meeting of the All-Russian Central Executive Committee.

#### vii. REPATRIATION AND RESUPPLYING OF SIBERIAN PRISONERS

Count Bonin-Longare, the representative of Italy, reported at the meeting of the Council on April 13 respecting a request made on February 7 by the Supreme Economic Council to the Council of the League of Nations "to study the measures which might be taken to succor and free prisoners of war who are at present in the territories under the control of the government of the Soviets."

The reporter observed that the sufferings endured by the prisoners of war were too great to be imagined. Many of them had

been in captivity for more than five years, and sickness, famine and cold had increased the misery of their condition. Numerous efforts had been made during the last year, especially by the Red Cross Society, either to repatriate the prisoners or to send them aid. But the results obtained are far from corresponding with the extent and gravity of the evil. There remains still a great number of prisoners—estimated to be between 120,000 and 200,000 in Siberia<sup>1</sup>—for whom there is no immediate chance of repatriation. Their mortality remains very high, and their sufferings of every kind are incalculable. Difficulties of transport and financial difficulties are considerable.

The Council proposed "to confide to a personality enjoying a universally recognized reputation for his qualities of organization and action, for his talents as well as for his greatness of soul, the duty of actually determining first of all what is most necessary and most urgent with a view to accomplishing the task which the League of Nations has taken under its charge and of providing for the execution of the measures in question, reserving to the Council the right to intervene to the extent that is required." Fridtjof Nansen seemed fitted to accomplish this task. He would, therefore, be appointed on behalf of the League of Nations with a view to:

a. Studying the situation and the measures which might be taken in order to relieve the sufferings of the prisoners of war and to hasten their repatriation.

b. Studying the work which has already been so usefully accomplished to these ends by official or private organizations, and in particular by the International Committee of the Red Cross, and to seek to co-ordinate and encourage their efforts.

c. Making to the Council of the League of Nations a report on the measures that he shall have taken, and submitting to it proposals which he would consider the most useful and desirable touching any subsequent action to be undertaken by the Council.

d. Studying and submitting to the Council proposals touching the credits which it would be necessary to provide for.<sup>2</sup>

<sup>1</sup>The Bolshevik Red Gazette in December, 1919, stated that there were in Siberia 150,000 Hungarian, 12,000 Austrian, 40,000 Czecho-Slovak and 20,000 German prisoners.

<sup>2</sup>*Le Temps*, 13 avril, 1920.



## viii. THE FUTURE STATUS OF ARMENIA

Herbert A. L. Fisher, sitting as the representative for the British Empire, reported on April 12 to the Council on the question of the protection of the future independent state of Armenia, which had been referred to the League by a resolution of the Conference of Ambassadors sitting at London on March 12. The Conference inquired whether the Council was ready to accept in its own name the protection of that future state. The Council examined the problem in all its aspects and unanimously reached the following conclusions:

The Council of the League of Nations believes that the constitution of an Armenian state on the basis of liberty, security and independence is a purpose which arouses and deserves to arouse the active sympathy of the enlightened opinion of the whole civilized world. We well know of what misfortunes the ancient Armenian nation has recently been the victim, and its sufferings exceed in extent and in horror anything that the annals of the history of man on this planet can show. It would in truth be a sign that the resources of civilization have become of little account if we could imagine no means of guaranteeing this unhappy people against the return of the disasters they have recently suffered.

The Council of the League of Nations believes that the best method of attaining a purpose which is universally recognized as desirable would be that a civilized state should accept a mandate for Armenia, under the aegis of the League of Nations. A solution of this character would, we have reason to believe, be welcomed by the Armenians; it would offer the most substantial possibilities for the establishment of a most efficient and prosperous administration, and it would be in conformity with the arrangement which has recently been planned for other parts of Asia, where the state of things from the political point of view is not entirely different.

It may, however, be asked whether it is probable that any state will be disposed to accept such a responsibility. The Council of the League of Nations believes that the reply to this question will depend in part on the military measures which might be taken to liberate the territory and to protect the frontiers of the new state, and, in part, on financial considerations.

The Council has not believed that it is within its province to examine either the military situation in Armenia or the measures necessary to assure the maintenance of peace in the country. As concerns finances, if arrangements could be made which would free the mandatory state from the financial responsibilities which the acceptance of a mandate would imply, it may be anticipated that there would not be insurmountable

difficulties to finding a mandatory for Armenia. The new state will have need of credits to permit it to get through the first and difficult years of its existence, and credits imply a financial guaranty. The Council of the League is disposed to ask the Assembly of the League that its members consider the means of assuring a collective guaranty. Meanwhile, on account of the fact that the Assembly will not meet before the autumn, the Council of the League enters into communication with the Supreme Council in order to examine the question of what provisional financial arrangements it is possible to make with a view to facilitating this solution of the problem, a solution which recommends itself to the general approval of the Council of the League as that which offers the greatest probability of producing the most satisfactory results.

#### IX. PROTECTION OF MINORITIES IN TURKEY

Baron Gaiffier d'Hestroy, serving as the representative of Belgium, reported on the question of the protection of minorities in Turkey at the meeting of the Council on April 12. He recalled that in a telegram of March 12 from Lord Curzon the Council of the League of Nations was requested by the Council of Ambassadors to say whether the League of Nations would consent to guarantee the clauses of the Treaty of Peace in preparation relative to the protection of minorities in Turkey. Later, a letter from Sir Maurice Hankey had brought to the Council the clauses on which co-operation of the League of Nations was sought. The Council immediately saw the importance of the problem which had been intrusted to it for solution, which was to decide the fate of two million of non-Mussulmans. The Council decided to send to Sir Maurice Hankey the following resolutions:

Unanimously, the Council has felt that it owed it to its own mission, that it owed it to the expectation of the civilized world to honor this request; unanimously it has believed that it would fulfill the eminent rôle for which it was created by contributing with all the means at its disposal to prevent the return of the abominable acts of which the former Ottoman territory had been so often the theater and thus to prevent the wars of which these massacres might be the origin.

However, it has believed that, in order not to find itself faced with responsibilities of which it was not possible as yet to measure the extent, it was not possible for it to determine a practical solution before the clauses of the Treaty of Peace to be concluded with Turkey had been definitely fixed.

Consequently, the Council of the League of Nations has decided to express to the Supreme Council its lively sympathy for the desiderata formulated by it and to declare that the Council is disposed to get into touch with it for determining the proper measures for guaranteeing the execution of the clauses protecting minorities.<sup>1</sup>

#### X. POLISH MINORITIES TREATY

Protection of ethnic, linguistic, racial and religious minorities has been for many years a pressing problem of social justice in Europe. The settlement of the World War included multifarious provisions for such protection. In all cases where new states were given control over any distinct minority an extensive set of treaty clauses was imposed upon the dominant majority, while the rights of the minorities were stipulated to be placed under the guaranty of the League of Nations.<sup>2</sup> The first treaty of this kind was signed with Poland. The Council of the League of Nations at its second meeting took up the question of assuming the guaranty respecting the Polish treaty, the decision being one of principle which will later be applied to all such treaties or treaty provisions. Mr. Matsui, the Japanese representative, read the report.

"Under Article 12 of the treaty between the Principal Allied and Associated Powers and Poland, . . . Poland agrees that the stipulations in the foregoing articles of the treaty, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern, and shall be placed under the guaranty of the League of Nations," he said.

"This stipulation makes it necessary for the Council of the League of Nations to decide whether the League of Nations shall undertake this guaranty. The text of the treaty, as well as of the covering letter sent to M. Paderewski by the President of the Peace Conference on June 24, 1919, are in the hands of the representatives on the Council. The stipulations of Articles 1-11 of the Polish treaty can clearly be accepted by the League of Nations. I do not deem it necessary to go into details. It will be sufficient for me to draw the attention of the Council to the great significance of the step which we are about to take in placing the minority clauses of the treaty under the guaranty of the League of Nations.

<sup>1</sup>*Le Temps*, April 14, 1920.

<sup>2</sup> See texts, Appendix III, 2.

“The treaty with Poland is the first of quite a number of similar treaties which all contain a stipulation to the effect that their clauses, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guaranty of the League of Nations.

“I trust and believe that the guaranty of the interests of such minorities involved in these treaties will strongly contribute to the maintenance of peace, and I beg to move that the Council pass the following resolution:

The Council of the League of Nations resolve that:

The stipulations in Articles 1-11 of the treaty between the United States of America, the British Empire, France, Italy and Japan on the one side, and Poland on the other, signed at Versailles, June 28, 1919, so far as they affect persons belonging to racial, religious or linguistic minorities, be hereby placed under the guaranty of the League of Nations.

The resolution was put to the Council and carried.<sup>1</sup>

<sup>1</sup> League of Nations Official Journal, March, 1920, p. 56.

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# LEAGUE *of* NATIONS

Vol. III, No. 3

June, 1920

## **The League Campaign in the Swiss and American Republics**

**PART I**

## **Swiss Commentary on the Covenant**

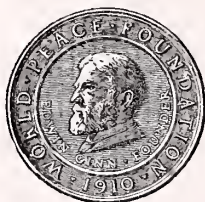
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# World Peace Foundation

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The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

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## INTRODUCTION

If there is one country in the world to which the question of entering the League meant more than it does to the United States, that country was Switzerland. Made up of three distinct nationalities, German, French, Italian; between the heavy mill stones of contending sides during the war; dependent heretofore for her very existence upon the jealousies of rival and neighboring powers; neutral by her own art in persuading formidable neighbors mutually to leave her alone; armed beyond her strength in the determination to sell herself most dearly if liberty, ever menaced, must succumb,— it would be difficult to conceive a more complex problem than that of Switzerland.

Switzerland approached the question of accession to the League of Nations with a seriousness appropriate to the gravity of the decision to be taken. She had had nothing to do with preparing the Covenant as first published on February 14, 1919, except that when the League of Nations Commission of the Interallied Peace Conference invited neutrals to confer with them on March 20–21, 1919, she sent her delegates, who presented proposed amendments based on a full project worked out by a consultative commission of the Swiss Political Department between May 4, 1918, and February 11, 1919. From the publication on April 28 of the final draft of the Covenant, Switzerland took up the study of its text, studiously, in the best of temper, seeking its legal meaning, weighing its debits and credits with all the statesmanship her Government could command.

The result was a report examining every detail, and concluding with a recommendation that Switzerland join the League, adding the Covenant itself to her constitution. It was eventually decided not to make this constitutional change, but the Federal Assembly stipulated in its enabling decree that the decree itself should “be submitted to the vote of the people and the cantons.” This was done on May 16, 1920, the vote being 11½ cantons for and 10½ cantons against, while the popular vote was 414,830 for and 322,939 against. Thus the opinion of the Federal Council was affirmed by what Switzerland regards as a double majority.

The vote was more impressive than the figures when examined in detail. Out of a population of 3,742,000 people 2,494,000 spoke German in 1910. Out of 25 cantons German prevails in 19. The Germans, with encouragement from Germany, conducted a most active campaign against the Covenant previous to the vote. French-speaking Vaud polled a vote of 63,284 for and 4,800 against; mixed Fribourg polled 20,080 for and 6,101 against; German Zurich 66,887 against and 46,280 for. Romance Switzerland gave an affirmative majority of 135,000 and German Switzerland, substantially two-thirds of the entire population, a negative majority of only 40,000.

Attached to the Message of the Federal Council of August 4, 1919, advising Switzerland's accession to the League of Nations is a commentary on the Covenant. This discussion of its significance and meaning as a fundamental document in international relations is here given in translation, with its full presentation of arguments pro and con, but with the omission of such passages as relate solely to Swiss national situations. The commentary itself is prefaced by a few paragraphs from the introduction of the Message. It should be added that the commentary incorporates many passages of the Message itself.

## THE SWISS COMMENTARY ON THE COVENANT

*Why the Republic Voted to Join the League as Set Forth  
in the Message of the Federal Council to  
the Federal Assembly*

. . . The conclusion of peace puts before us a question which demands a prompt reply, our entry into the League of Nations. Here is not a question of a progressive modification of our political position, of an adaptation more or less rapid to new circumstances, but of a *yes* or a *no*. A traditional policy of neutrality has permitted Switzerland to live her own existence and not to seek a durable support either from any state or from any given group of states. Must she enter the association of states created by the Peace Conference? Such a question has not been put to our country since in 1815 the Powers represented at the Congress of Vienna invited Switzerland to take part in common measures destined to re-establish the peace disturbed by the return of Napoleon from Elba. The decision which must now be taken has, however, a much greater bearing. The organization in question is destined to open to international policy ways entirely new, not only for the immediate future but for a time as distant as it is possible to conceive.

It is particularly difficult at the present time and in the present state of the world to decide to enter, in a matter of external politics, upon a path which in all its aspects is unexplored. Old states disappear or continue to exist with important modifications or decreases. New states appear or are about to form. The world has not yet recovered its balance. When will it do so, and what will that equilibrium be? No one can say, the more so as powerful social movements make themselves felt even in the midst of states, and may react upon international relations. Further, the question is not of entering an organization already tried by other states, but of a brand new one built upon an old order of things. We can, therefore, cast aside outright and completely



fears and apprehensions based on the experiences of the past, which up till now have been expressed in our country with more vehemence than feeling of joyous confidence; while, on the other hand, the partisans of a thorough-going reform met with some disappointment in not finding in the system proposed the reply to their fondest desires.

The Federal Council is aware of the exceptional gravity and importance of the decision which we have to take. With joy we hailed the idea, born of the miseries of war, of a new organization destined to assure respect for law and the maintenance of peace. With joy we saw all the belligerents accept this idea and make its realization one of the essential conditions for the conclusion of peace. This attitude of the Federal Council is not, however, a reason for approving unreservedly the League of Nations created by the Paris Conference. But it does not see a motive for abstention in the fact that this League does not respond in all essential points to the hopes which it had conceived. Its task is to examine what decision the interest of Switzerland requires. With this purpose, its duty is to study the problem without bias, deeply, in all its aspects and, on the basis of this study, to lay before the Chambers and the people all our hopes and all our fears.

### LAW WITHOUT PROTECTION GREATEST DANGER

If it is concern for the welfare of our country which must guide our decision, we must nevertheless not confine ourselves to its immediate interests. We must endeavor to judge the question from a higher point of view than that of narrow and exclusive national interest. For every state, and especially for a small and pacific state like Switzerland, the future can be assured—the war has adequately taught us—only by the development and the re-enforcement of an international community based on law, even more than by the option of remaining aloof from conflicts arising between the great Powers. This national interest is likewise an interest of humanity as a whole. To serve loyally and with effectiveness is also in line with Swiss policy; we can and we must make the necessary sacrifices for this purpose. It is in the continuance of the present state of things, in which law is without protection and in which therefore states are the enemies

one of another, that for our country lies the greatest, if not perhaps the most immediate, danger.<sup>1</sup>

In the numerous projects for a League of Nations published in the last few years and coming from circles more or less official, three principal tendencies may be noted:

First, The League of Nations may tend to embrace and to organize international life in its entirety, or to limit its action to the prevention of war by the organization of a system for the pacific regulation of disputes.

Second, The organization destined to assure the maintenance of peace may either look to the absolute exclusion of war by imposing for all international disputes a settlement based on law or equity, or confine itself to opposing the utmost possible obstacles to war in the hope that, by gaining time and giving public opinion the possibility of expressing itself and acting, the critical instant will be passed, and the way opened to a pacific solution of the conflict.

Third, The League of Nations may command sanctions more or less efficient with a view to insuring the observance of the principles upon which it is founded.

It is apparent that the Covenant of Paris is a compromise between these various tendencies. It necessarily must be, all states not being equally disposed to accept obligations in the interest of the peace of the world, and all not having the same confidence in the efficacy and vitality of a League of Nations. The statesmen who worked out the Covenant have had to yield to the necessity of finding a solution which would secure not only their own assent but also that of the parliaments summoned to ratify their work. If difficulties resulting from this condition be considered, it will be understood that the Covenant does not completely realize any of the three points of view set forth above. The Covenant wishes to embrace all international life, but it refrains from solving in a definite and commanding way the important problems of world economics. It desires to assure the maintenance of peace and to guarantee it against every harm, but it regards as illegal only wars declared without following the procedure destined to safeguard peace, or in spite of the

<sup>1</sup>Pages 1-3 of the Message. A historical passage dealing with the origin of the idea and Switzerland's part therein, which immediately follows, is omitted.

opinion given by all the states not interested in the conflict. And it is only in those cases that all the power of all the League states guarantees the maintenance and protection of peace.

### THE LEAGUE OF NATIONS AND PRESENT INTERNATIONAL LAW

Compared to the constitution of an ideal League of Nations, the Paris Covenant is a very imperfect product and nothing is easier than to criticize it. But, to be just, we must first of all ask ourselves what is practically realizable and appraise the Covenant with regard to the present state of international life and the attempts hitherto made to purify it. From this point of view, it is undeniable that the Covenant of April 28, 1919, achieves an improvement of the highest order on the existing international system it aspires to replace. The League of Nations which it sets up may be compared to a confederation of states rather than to a simple alliance or to an organization such as the Hague Conferences vainly attempted to create. Those who have followed the evolution of peace ideas, those who know by what difficulties the organization of arbitration even between two states only has been hampered, finally those who do not forget that only a little time ago the idea of collective intervention against a breach of the state of peace was considered as a utopia outside the domain of practical politics, will all see in the Covenant of Paris an innovation truly great, an essential improvement of international politics, an event of capital importance in the history of the world. It is true that for this it is necessary to believe in the future of a League of Nations and to admit that it will realize at least what the apparently narrow limits imposed upon it allow.

Ability to appreciate a new thing in the political field is always largely a matter of temperament. Those who wish to stick to the text of the Covenant of Paris, materially incomplete and moreover scarcely clear in many places, and who consider egoism and distrust as dominant and inevitable factors of international politics, will see in the League of Nations only a still-born thing or a disguised means of perpetuating the domination of certain great Powers over the rest of the world and of assuring forever

the maintenance of the present status quo. But for those who base their confidence upon the fact of the ever greater evidence of the evil of war and upon the increasing repulsion of peoples to recourse to violence in relations between states, the League of Nations will appear at the very least as a serious attempt to open to international politics the road to a better future.

The fundamental idea of the Paris Covenant is that certain kinds of war must be prohibited and that the state which violates this prohibition is the enemy of all members of the League of Nations and must be combated by all. War itself as an extreme method of safeguarding the interests of the state is not prohibited. For the League of Nations, as its founders have deemed it possible to organize it, is not able to assure a complete protection of those interests. The only wars prohibited are those which are regarded as particularly dangerous to the general peace, that is, wars of surprise, or wars of aggression, and wars declared against a state which complies with an arbitral sentence or an opinion given unanimously by the Council.

In a number of cases, it is difficult to settle whether it is for a just or an unjust cause a state desires to go to war. It is not this criterion, therefore, which the Covenant of the League of Nations adopts. Its provisions are based upon an objective and very important fact: recourse, before the opening of hostilities, to a procedure of arbitration or mediation and also the observance of the delays of that procedure.<sup>1</sup>

The most important provisions of the Covenant of the League of Nations are explained in Sections I to X of the present Message. The following remarks, which are accompanied by references to the corresponding chapters of the Message, are intended to serve as a commentary on various provisions of the Covenant in so far as they are not immediately comprehensible and to the extent that they interest Switzerland.

The French text and the English text have equally the value of original texts of the treaty of peace concluded with Germany, a treaty of which the Covenant forms the first part.<sup>2</sup>

<sup>1</sup>Other portions of the introduction are incorporated in the following pages: Under Article 12, pages 12-17; under Article 10, pages 17-18; under Article 4, pages 18-19.

<sup>2</sup>Commentary, page 129.

## ARTICLE I

Article 1 of the Covenant makes a distinction between original members of the League and states admitted later.

Original members are enumerated in the Annex to the Covenant. They are, or may be, the following states:

a. All the Allied and Associated States which were at war with Germany. These states number 27, not counting the four British dominions and India, which will individually be members of the League simultaneously with the British Empire as such. By signing the treaty of peace these states have created the League of Nations. The Covenant will therefore enter into force for these states as soon as they shall have ratified it and when the conditions requisite for the entrance into force of the treaty of peace with Germany shall be realized. Before the war, these states had a total population of about nine hundred millions of souls,<sup>1</sup> representing about 60 per cent of the total population of the globe.

b. The 13 neutral states invited to the Conference of March 20 and 21, 1919, may enter the League by making a declaration of adhesion without reservations within the two months following the entrance into force of the treaty of peace. They thereby acquire the quality of original members. Various evidences create a presumption that the states which took no part in the war, whether European or non-European, are all or for the most part disposed to accede to the League of Nations; [and they all did so accede before March 10, 1920]. Without Switzerland these states have a population of about 116 millions of souls.<sup>2</sup>

<sup>1</sup>For 26 of these states, without counting China which did not sign the treaty of June 28, 1919. Counting her the figure would rise to 1,250 millions of persons or four-fifths of humanity.

<sup>2</sup>The states of both categories, members of the League of Nations on August 1, 1920, were: Argentine Republic, Belgium, Bolivia, Brazil, British Empire (which includes as separate ratifying entities the Commonwealth of Australia, Dominion of Canada, Empire of India, Dominion of New Zealand, and Union of South Africa), Chile, China (ratification of Austrian treaty, May 26, 1920; deposit of ratification, July 16, 1920), Colombia, Cuba, Denmark, France, Greece, Guatemala, Haiti (deposit of ratification, June 30, 1920), Hedjaz, Italy, Japan, Liberia, the Netherlands, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Rumania, Salvador, Serb-Croat-Slovene State, Siam, Spain, Sweden, Switzerland, Czecho-Slovakia, Uruguay



## STATES NOT INVITED TO ADHERE

The states which, though not belonging to the group of the former Central Powers, have not been invited to enter the League are the following:

Luxemburg and Montenegro, which perhaps have been passed over on account of a prospect of their reunion with other states members of the League.

The small states of Andorra and San Marino, and the principalities of Liechtenstein and Monaco, up to the present have cut no figure as independent states. With the exception of Liechtenstein, they have always been represented internationally by other states which are among the founders of the League. Furthermore, France has demanded the admission of the principality of Monaco.

Albania and Mexico have not been invited to adhere, doubtless because at the time of the adoption of the League they did not possess governments recognized by the majority of states.

We do not know why Costa Rica and the Dominican Republic have not been invited.<sup>1</sup>

As to Abyssinia and Afghanistan it is probably on account of the still very incomplete character of the development of their international relations.

and Venezuela; total, 37, including the component parts of the British Empire, 42.

The Ecuadorian Congress does not meet for the purpose of ratification until August 10, 1920.

Eligible states which have not yet acted are Honduras and the United States.

The Assembly in November will have before it the question of the admission of Germany, Austria, Bulgaria, Hungary, Esthonia, Finland, Georgia, Luxemburg, San Marino and Ukraine.

<sup>1</sup>The omission of Costa Rica was due to the United States Government as existing in November, 1918. Costa Rica declared war on Germany early in 1917, Federico Tinoco having been the president of the republic. Tinoco was the head of a revolution in 1916 which had displaced the then president, but his de facto government had not been recognized by the American Government. Documents respecting the exclusion of Costa Rica from the Interallied Peace Conference are printed in the Hearings of the Senate Committee on Foreign Relations on the Treaty of Peace with Germany.

The Dominican Government was not the effective régime in the Dominican Republic at the time the Interallied Peace Conference produced the Covenant of the League of Nations. At that time the effective régime at Santo Domingo consisted of officers of the United States Marine Corps, who were acting as ministers of departments in the Dominican administration under the orders of the American secretary of the navy.

All these various states have only about 30 million of inhabitants, of which fifteen are in Mexico, eight in Abyssinia and five in Afghanistan.

There is still a group of states which, while not having possessed the quality of belligerents as states, are not invited to become original members of the League. With the exception of Poland, they are the countries which have separated from Russia and aspire to independence: the Ukraine, Lithuania, Livonia, Estonia, Lettonia, Georgia, etc. Finland, whose political consolidation is most advanced and whose existence has been recognized by Switzerland and other states, is included neither in the group of Allied and Associated Powers nor in the group of neutrals, and consequently does not figure in the list of original members. The reorganization of Russia will without doubt determine for these various states the moment when their relations with the League of Nations can be established. It is difficult at present to estimate the number of their people.

The most important among the states which are not mentioned in the League as original members are, on the one hand, the so-called Central Powers (Germany, German Austria, Hungary, Bulgaria and Turkey), and on the other hand Russia. The momentary exclusion of the Central Powers, in particular, is of a nature to give to the League a special political character. With Russia, these states comprise more than half of the population of Europe. Their admission into the League is of the greatest importance at least for Europe, since even after the conclusion of peace Europe will remain the principal arena of international differences, on account of the multiplicity of states which it includes and of their great social and economic diversity.

In round figures, the various groups of states have from the point of view of population the following importance:

	Millions
Signatories of the treaty of peace.....	900 or 1250
2. Neutrals invited to accede.....	120
3. Central Powers and the territories which they retain	100
4. Russia, in its former limits, without Poland.....	160
5. Other states not invited.....	18
6. Afghanistan and Abyssinia.....	13 <sup>1</sup>

<sup>1</sup>Message, pages 52-54.

## TIME AND METHODS OF ADHESION

As mentioned above, the 13 neutral states referred to in the Covenant may accede to the League as original members by a declaration without reservations made within the two months following the entrance of the Covenant into force (Article 1). Failure to observe this period would not prevent these states from entering the League later, but their admission would then take place according to the forms provided for states not mentioned in the Annex.

The Covenant does not fix the date of its entrance into force. But by the final provisions of the treaty of peace with Germany this treaty will become effective as soon as it shall have been ratified by Germany and by three of the Allied and Associated Powers (United States, Great Britain, France, Italy and Japan), and it is from that date [January 10, 1920,] that the periods provided for will commence to run. . . .

Adhesion as an original member has the following advantages: Entrance into the League, taking place as a matter of right, is not subordinated to a vote of the Assembly. Thus we avoid the ill-founded objections, which might be made to the special situation accorded to Switzerland in the League. Furthermore, original members preserve their freedom in respect to the Council as to measures to be taken for the limitation of armaments (Article 8), a limitation prescribed by a regulation for the state not entering the League as an original member. This is a condition of its admission (Article 1, par. 2). If, after having refused to enter the League as an original member, Switzerland should nevertheless apply for admission later, the limitation of her military forces by the council of the Powers would appear to her as a grievous injury to her dignity and to her independence.

But there is more. The refusal of Switzerland to sign the Covenant as an original member would be regarded as a mark of defiance or at least as a lack of confidence respecting the League. We should lose the moral position acquired by reason of the very definite attitude which our country has taken up to the present in favor of a League of Nations. . . .

While renunciation of original membership of the League of Nations is not equivalent to an absolute refusal to join, it would

in some respects, nevertheless, and from the point of view of internal as well as external relations, have the inconveniences of such a refusal. By remaining for the time outside, Switzerland would not hasten the admission of the states at present excluded and if she entered the League with them her attitude would be interpreted not as a proof of independence but rather as an evidence of dependence upon those states. To apply tardily for admission under such conditions would manifestly be for Switzerland to renounce in the League of Nations a rôle corresponding to her international mission. The Federal Council can not in any case assume the responsibility of allowing the period of two months given us by the Covenant to lapse without pronouncing itself. It is for the Chambers to decide whether Switzerland shall reply within that time to the invitation which will be addressed to her.<sup>1</sup>

#### CONDITIONS OF LATER ADMISSION

Admission of new states, that is, of existing states not mentioned in the Annex of the Covenant or of states which shall be formed in the future, is decided by two-thirds of the Assembly of the delegates of all the states of the League (Article 1). The Assembly pronounces upon the conditions requisite for admission. Regulations concerning the forces and armaments of the state desiring to become a member are established by the Council (Article 8). The Assembly is judge of the question whether the state requesting its admission offers "effective guaranties of its sincere intention to observe its international obligations."

As only a small number of states is represented on the Council, the states admitted subsequently will naturally not have representatives in the first instance. However, the situation will in this respect be somewhat singular in the case of such states as Germany and Russia, which, in spite of the territories which they have lost and the disaster they have sustained, continue to be among the most important of states either on account of the number of their population or of their social and economic development. To admit these states into the League without granting them a place on the Council would create a situation

<sup>1</sup>Message, pages 90-91.

which in the long run would become untenable. That is why Article 4 provides that with the approval of the majority of the Assembly the Council may increase the number of members permanently or temporarily represented on the Council. It is true that, with the Council having to take its decision unanimously, this equitable extension may encounter difficulties. The insertion of this provision in the final text of the Covenant nevertheless shows that the necessity of an eventual enlargement of the Council is understood.

That two states, neighbors of our country, Germany and German Austria, are for the moment excluded from the League in spite of their express demand to be admitted, and that the most populous state of Europe, Russia, also remains outside are facts of the greatest importance for Switzerland. The decision of entering the League is rendered the more delicate for our country because, its neighbors to the north and east being excluded, it will find itself on the circumference of the League, that is to say, in a situation in which the guaranties instituted by the Covenant may not be enjoyed in an absolutely complete manner. The exclusion of certain states and, for Switzerland, especially the exclusion of neighbor states may also be dangerous because these countries, politically isolated, will be less apt to react against revolutionary foment. This agitation will even be encouraged by that fact.<sup>1</sup>

A last question must be examined, that of the right of denunciation of the Covenant provided by Article 1 and of withdrawal from the League given to member states by Article 26. The Covenant may be denounced only by two years' notice, while any member may retire at any time and without previous notice if it does not accept a decision to amend.

The exercise of the right of denunciation is in general regarded as being among the attributes of the executive government. The approval of parliament is necessary only to conclude a treaty, not to bring it to an end. However, if one considers the relations established by a treaty such as the Covenant, denunciation or withdrawal in all cases is an act of very great importance which may have consequences even more serious than adhesion.

<sup>1</sup>Message, pages 55-56.



Such an act would also have the effect of nullifying the decision taken by the people and the cantons on the subject of adhesion as well as the constitutional provisions adopted at that time. There is, therefore, reason for putting the decisions relative to the denunciation of the Covenant or to withdrawal from the League on the same basis as that relative to becoming a member.

The Covenant can be denounced only by a notice two years in advance, but it may be denounced at any time (Article 1). Article 26, on the other hand, fixes no period respecting the exercise of withdrawal. The slowness involved in a popular vote therefore presents no inconvenience.<sup>1</sup>

According to paragraph 2, countries which enjoy complete administrative autonomy without being sovereign may, on their own motion, be admitted as members of the League of Nations. Canada, Australia, New Zealand, South Africa and India now enter into calculation in this respect. It might be feared that certain states would obtain a majority of votes in a round about way for the admission of non-sovereign states if this admission is to be decided by a majority of two-thirds.

There is a lacuna in the Covenant concerning the relations between countries vested with a certain amount of autonomy and colonies on the one hand, and the métropole on the other. As these states and these countries form an international unit in case of conflict, none of their votes could by virtue of Article 15, pars. 6 and 10, be counted in the adjustment of disputes which concern one of the group. The just solution would be to grant a non-sovereign member of the League of Nations a right of voting limited solely to matters which it has the right to handle in a sovereign capacity in its international relations (boundary questions, economic relations, immigration, etc.).

## ARTICLE 2

It is worth remarking that the Assembly is mentioned in the Covenant before the other organs of the League of Nations. In principle and in case of doubt, the Assembly is, therefore, the supreme organ of the League. The Assembly is primarily competent for questions of organization (Articles 1, 6 and 26), while

<sup>1</sup>Message, pages 98-99.

political action, and especially the right of intervening in particular instances, is almost exclusively concentrated in the hands of the Council (Articles 10, 11, 15, 16 and 17).

### ARTICLE 3

The representatives of the states in the Assembly need not necessarily be representative of the Governments; but together they dispose only of one vote for each state. The Covenant contains no provision respecting their instructions. The function of member of the Council is not incompatible with that of delegate to the Assembly.

Article 3 realizes the wish expressed by the Second Hague Conference, to see the states meeting periodically in general assemblies.

It is regrettable that the Covenant is silent as to the right of the Assembly to meet spontaneously, as well as to the right of a minority of the states to demand the meeting of a conference.<sup>1</sup>

### ARTICLE 4

Aside from the provisions intending to assure the maintenance of peace, what particularly interests us is the organization of the League of Nations and the question of what is the position made for a state like Switzerland. As a matter of fact, the hegemony of the great Powers has always existed. It is, however, manifested in law only by the Congress of Vienna. However, from the time of the Second Hague Conference we see the tendency appearing to grant to certain states, that is, to the great Powers, a privileged position in regard to certain international institutions. This tendency is manifested very clearly in the organization of the Paris Conference and in that of the League of Nations. According to Article 4 of the Covenant, the Council is composed of the plenipotentiaries of five great Powers, which are always represented thereon, and of those of four other states, which may be replaced by others from time to time. As unanimity is necessary for most of the decisions of the Council—a unanimity which must in certain cases be completed by the majority of the Assembly of delegates,

<sup>1</sup>Commentary, pages 129-130.

in which all the states are represented—no important action of the League of Nations can take place without the assent of each of the states which has a plenipotentiary on the Council. A privileged position is thereby incontestably made for the great Powers, which are permanently represented on the Council. In so far as they are not directly bound by provisions of the Covenant itself, these Powers—excepting for certain administrative decisions of a formal character—preserve their full and entire liberty, since no decision can be taken without their consent. The other states, on the contrary, may—to a restricted degree only, it is true—find themselves bound, at least indirectly, against their wish by the decision of the Council. If, for example, the Council has unanimously made a proposition looking to the settlement of a dispute (Article 15), all the states are obliged to participate in the application of the sanction foreseen by Article 16 against the state that should make war in spite of the unanimous advice of the executive Council. The treaty of peace with Germany finally contains a series of provisions according to which the Council may take decisions by majority so far as concerns various points touching the application of the treaty.<sup>1</sup>

Aside from the five great Powers, four other states are represented on the Council. The Covenant has not thereby created another category of privileged states, because the Assembly may designate other states freely and when it pleases. No state has more right to be designated than another. This scheme of organization can not be regarded as a violation of the principle of the equality of states, because it is evidently impossible for all to be represented on the Council.<sup>2</sup>

The proportion of 5 to 4 is moreover not unfavorable to the other states, if the figures of population are considered, about 700,000,000 for the five great Powers and 550,000,000 for the other states of the League of Nations.

<sup>1</sup>See *Three Months of the League of Nations*, Appendix III, pages xviii, xx-xxi, xxv-xxvii, xxix-xxxiii, xxxv, xxxix, Articles 48, 49 and annex, 80, 102, 103, 213, 280, 304, 336, 342, 376, 386 of the treaty of peace with Germany.

<sup>2</sup>Message, pages 18-19.

## ADDITIONS TO COUNCIL

It has not been determined when and in what manner states not represented permanently will take places in the Council. The Covenant should be completed at this point. By way of example, it may be recalled that the Second Hague Conference in the convention relative to the International Prize Court laid down the rule<sup>1</sup> that states not among the eight great Powers then recognized are represented in rotation and this representation lasts, during a period of 12 years, a number of years which varies for each state according to its importance. All the states would thus have a place on the Council in turn; but on the other hand their influence would be feeble on account of the too great frequency of change. During the Conference of Neutrals (March 20 and 21, 1919) the possibility of the states combining together in order to obtain a representation on the Council in groups was examined.

Par. 2 permits the increase of the number of members of the Council, both of the permanent members and of the members designated by the Assembly. It will not be possible to modify the present proportion of 5 to 4 to the detriment of the states which are not great Powers, because for both categories of members this modification requires the consent of the majority of the states.

The Council will sit permanently so long as the political situation shall not be normal and tranquil. According to the Swiss Advance Project the Mediation Council should be permanent, in order to assure an uninterrupted contact among all the states at a central seat. The question remains open whether states that are not represented in the Council shall maintain delegates at the seat of the League of Nations, as the Swiss Advance Project contemplates.<sup>2</sup>

<sup>1</sup>The reference is to Article 15 of the convention of 1907 relative to the creation of an International Prize Court and the annex thereto. Texts of the Peace Conferences at the Hague, 1899 and 1907, 297, 316, 317. (Boston, Ginn & Co., 1908.)

<sup>2</sup>The provision referred to is in the Advance Project of the Swiss Consultative Commission on the constitutional statute of the League of Nations, November, 1918-January, 1919, and reads as follows:

"Article 5. The Mediation Council is composed of plenipotentiaries designated by the states of the League of Nations. These delegates reside at the seat of the Council. They may be recalled at any time by their Governments. Each state has a single representative in the Mediation Council..."

Par. 5, by virtue of which every state not represented on the Council is invited to send a delegate to sit when a question which particularly interests it is to be dealt with, must be understood in the sense that this state then exercises all the rights of a member of the Council, including therein the right of veto ("to sit as a member," says the English text). It falls to the Council to decide whether a state is to be represented or not; but if the interested state is not invited to take part in the deliberations it will not be bound by the decisions which concern it.

This invitation must be extended on one hand in the case of disputes in conformity with Article 15, and on the other when matters particularly interesting a state not represented on the Council are up for consideration. Questions especially affecting neutrality must be regarded as particularly interesting Switzerland. It is only in the case of the disputes foreseen in Article 15 that the votes of the interested parties are not counted.

#### ARTICLE 5

The treaty of peace provides for special majorities for certain decisions of the Council. Such is the case in par. 40 of the regulations concerning the Saar Basin and Articles 213 and 280 of the treaty of peace.<sup>1</sup>

The principle of unanimity conforms to the usage adopted up to now in international assemblies. In point of form, it constitutes a great obstacle to decisions; but in reality it is frequently easier to obtain unanimity than to secure a qualified majority, for the reason that a state will not assume without serious reasons the direct responsibility of defeating by its veto a resolution seriously desired by all the other Powers. Moreover, to admit that a great Power could be controlled by a majority would raise the risk of provoking dangerous tensions. The efficacy of the League of

<sup>1</sup>By the provisions referred to matters relating to the control of the Saar Basin are decided "by a majority;" as respects military, naval and air clauses of the treaty, "Germany undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary;" provisions respecting the treatment of nationals of Allied and Associated Powers in Germany will remain in force beyond five years "for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the League of Nations."



Nations might thus be put to a severe ordeal. Is it possible that America, for example, would pledge herself in advance to participate in a European conflict in favor of a cause which American public opinion found to be unjust? The requirement of unanimity presents the practical advantage of being adaptable to diversities of circumstance. Further, it constitutes an efficacious guaranty against the hegemony of the Council. Moreover, one can count in each session only on the votes of the states represented. So that a state may easily abstain from voting without compromising unanimity, by inviting its representative not to participate in the session.

As to matters to be decided by a majority, it is evidently necessary to consider as a question of procedure the calling into the Council, according to Article 4, par. 5, of states not represented on it. By commissions to investigate particular matters,—to be appointed by a majority of the Council,—it is necessary to understand especially the Commissions of Inquiry which shall be constituted to examine the disputes foreseen by Article 15.

#### ARTICLE 6

The Secretariat must have a character wholly international and it will consequently have to include subjects of a great number of states.

The activity of the Secretariat is not determined in a precise manner, with the exception of the secretarial duties for the Assembly and the Council. It will probably consist, as for other international offices, in bringing together and publishing all the important information of interest to the League of Nations as well as in preparing for the labors of the Council and of the Assembly. The Swiss Consultative Commission had declared for an absolutely impartial service of publicity for international political news. Its rôle would be considerable.

The expenses of the Secretariat will be borne by all the members of the League of Nations according to the scale established for the Universal Postal Union; it has already been adopted in many other conventions.<sup>1</sup>

<sup>1</sup>Commentary, pages 132–133. On the details of the allocation of expenses see Three Months of the League of Nations, 32–33.

## ARTICLE 7

Article 7 of the Covenant designates Geneva as the seat of the League of Nations. The same article confers on the Council the power of establishing the seat in another place by a decision taken unanimously, not only temporarily and for extraordinary reasons, but permanently. The text designating Geneva is not, therefore, protected against all modification by the revision clause of the Covenant and it is not justifiable to speak here of a special and contractual right of Switzerland or of the creation on behalf of Switzerland of a special juridical situation due to the fact that it will house the seat of the League.

Article 7, nevertheless, has great importance for Switzerland. The choice of Geneva seems to be explicable by reasons of two kinds.

Account has first to be taken of high considerations of general policy. Switzerland, having remained neutral during the war, may offer to the authorities of the League of Nations that serene atmosphere which could not be expected in a country which, having taken part in the war, is still under the influence of the terrible events of the recent past. She constitutes a setting particularly favorable to the accomplishment of the political tasks of the future. Her history, the federative character of her constitution, the experiences which she has had in her closely united cantons, in spite of the diversity of the races, languages and religious confessions of her populations will permit her to serve usefully the interests of the League of Nations.

In the second place, historical reasons have certainly contributed to the choice of the city designated by the Covenant. A chain of memories unites the city of Geneva to the English and American democracies. The development of the modern state is closely linked with the name of Rousseau. Finally the Red Cross, founded at Geneva and from which it is still directed, is a symbol of the human fraternity which unites mankind across all frontiers, even during war. The designation of Geneva had a significance all the more important because other states had put themselves forward as candidates for the seat of the League. This was the case with Belgium, neutral and loyal, which in a heroic struggle sacrificed herself in the cause of international right.

## NEGOTIATIONS CONCERNING GENEVA

The idea of establishing the seat of the League in Switzerland and specifically at Geneva took form only in the course of the deliberations of the League of Nations Commission at Paris. The Swiss Consultative Commission had, it is true, proposed to install the organs of the League in Switzerland and other countries having like ours a constantly pacific policy. But Switzerland made no official move until the moment when in the peace conference itself she was asked, in view of the decision which the League of Nations Commission had to take, to declare herself ready to accept the seat of the League. The Federal Council had already been informed that influential members of this Commission had in mind the choice of Geneva. We could only congratulate ourselves on this disposition, especially since the establishment of the seat in our country constitutes in our judgment an important argument in favor of the maintenance of our perpetual neutrality. Switzerland, the seat of the League, will have as her mission not only the defense of her territory and this seat itself against all attack, but of keeping herself outside of conflicts and of contributing in this way to assuring to the organs of the League the atmosphere of impartiality and moral independence which will permit them to resist the influence of political passions.

The negotiations relative to the establishment of the seat at Geneva, like all the negotiations conducted on the subject of the League of Nations—this is a matter of course in all states—have been under reserve of ratification by the competent constitutional organs. The choice of Geneva leaves intact our freedom of decision respecting the accession of Switzerland to the League. It goes without saying that we should not think of postponing any decision relative to the seat to the time when the Swiss people shall have pronounced on the question of our entrance into the League. The League of Nations Commission desired to fix the place where the seat would be established, and other states which were candidates for it put forward serious claims. To act otherwise than the Federal Council deemed necessary would have lost to Switzerland the only opportunity for having the center of the new international organization upon her territory.

## DUTIES OF SWITZERLAND

The fact that the seat is in Switzerland imposes upon our country no special obligations save those of according the diplomatic immunities stipulated in Article 7 of the Covenant to the representatives of the member states and to the officials of the League itself, and of recognizing the inviolability of the buildings and the grounds occupied by the League, its services and its meetings. It is natural that the League of Nations should enjoy privileges and immunities similar to those of every state with which we maintain diplomatic relations.

The country in which the seat of the League is established must furthermore place at its disposition the necessary grounds. The Confederation could if necessary exercise the right of expropriation for this purpose. The Federal Council through its delegates has communicated to the League of Nations Commission that it was ready to take the necessary measures to assure to the League the real estate which it requires. The Commission for its part has declared that the League would assume all the expenses for this purpose. It, therefore, rests with the Chambers and the cantonal and communal authorities of Geneva to consider in what measure they desire to participate in the installation of the seat. The organs of the League and the plenipotentiaries of the member states accredited near it must be able to testify that in their persons our country salutes joyously the representatives of a great ideal.

So long as the officials of the League are small in number we may consider sufficient the common rules—imperfect in some respects—of international law on diplomatic privileges. If in time the League of Nations develops, if its officials multiply and if its services should end by occupying important grounds there would ensue the need of regulating by a convention the whole matter of these relations between the League and the local, federal and cantonal authorities. Perhaps it will also be necessary to put into federal legislation special provisions concerning the League, for example, provisions assuring to its officials a special protection.

The establishment of the seat in Switzerland will also very probably involve the installation of a wireless telegraphic station

on our territory for it is of great importance for the League of Nations to have a well-organized and independent news service.<sup>1</sup>

The news service might perhaps give rise to difficulties. It goes without saying that the state which shelters the seat of the League can not prohibit, restrict or censor, even in case of collective action in the sense of Article 16, communications by any medium whatever between the organs of the League and abroad. So long as the adverse party is given the benefit of the same treatment, there would be no difficulty under Articles 8 and 9 of the fifth Hague convention. By Article 3 of the same convention neutrality would not be more affected by the existence on our territory of a wireless or telegraph station of the League of Nations, on condition that it was not installed in the course of war and that it should also serve for public communications. However, as equal treatment of the two belligerent parties would in reality favor the covenant-breaking state, it is possible that a conflict might occur between the requirements of our neutrality and our duties toward the League of Nations.<sup>2</sup>

#### ARTICLES 8 AND 9

In two ways the Covenant may influence the military situation of Switzerland. First, by Article 8 the League shall fix a limit to the armaments of its members. Second, in case of the application of Article 16, the solidarity of League states may impose upon each of them obligations having a military repercussion.

Except for these provisions of the Covenant, which in this connection have a direct bearing, the fact of a state's being a member of the League of Nations is of a nature to influence its political situation and for that reason indirectly its military situation. The non-League states will necessarily have to take account of the new fact of the existence of the League of Nations and consequently to veer onto a new tack, perhaps in the field of national defense also.

Stating the importance of the question, the Federal Council instructed the Military Department to study from the military point of view what bearing the accession of Switzerland to the League of Nations might have. This Department submitted the

<sup>1</sup>Message, pages 49-52.

<sup>2</sup>Message, page 73.



question to the Commission on National Defense, which has been occupied with it at several sessions. This Commission has been unable to present a single report on this subject, its members differing in opinion on many of the most important points. It has formulated two contrary opinions. One of its reports concludes definitely for the absolute maintenance of neutrality in all cases and upholds the thesis that the entrance of Switzerland into the League of Nations would be dangerous for her security and for her independence. According to the other, Switzerland must adhere to the League of Nations, the inconveniences which might result therefrom not being of any decisive importance.

The Federal Council deems it its duty to make known here the military objections made to the adhesion of Switzerland. It is appropriate, however, to remark here that the question of risks arising from accession to the League for our country and as respects conflicts such as those especially involved in the application of Article 16 can not be regarded as a purely military problem which can be solved by starting with more or less probable strategic situations. The determining factor of the judgment to be reached in this connection is primarily and before everything the question of whether we can consider it probable both that the League will remain politically united and that in case of a conflict entailing its intervention it will not find itself face to face with a group of powers having chances of making headway against it. And this is a problem essentially political. This holds good for the question of what are the prospects of a war which the situation created by the treaty of peace might engender and what is the confidence to be placed in the efficacy of the organization established by the Covenant for assuring the maintenance of peace. Moreover, it goes without saying that we must take account not only of the present situation and of the supposition that the League of Nations will develop in a satisfactory manner but also of the fact that with the lapse of time a new equilibrium of forces may be established which would be of a nature to paralyze its action more or less completely at the critical moment.

#### LIMITATION OF ARMAMENTS

For a long time reduction of armaments has been demanded by peace workers. Its realization was to be the essential task of the

First Hague Conference. Another and much less bold attempt was made at the Second Hague Conference. It, likewise, came to naught. And the armament race continued at top speed. It was, therefore, natural that in the course of the war which has just ended, the idea of a limitation of national armaments, even of the substitution of an international army for the national armies, should be taken up again by those who desired to work for the establishment of a durable peace. The Wilsonian program of fourteen points also demanded that the armed force of each state should be reduced to the minimum compatible with the maintenance of its internal security.

Articles 8 and 9 of the Covenant realize this postulate in a very imperfect manner only. The Covenant confines itself to recognizing "that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations." It thus combines the two partly contradictory ideas of the peace workers: On the one hand national armies must be reduced to the simple proportions of a police force; on the other hand, when brought together, they must permit the constitution of a crushing international force capable of preventing the return of war.

The weak point of Article 8 is that it permits the Council "to make recommendations" only to the League states in respect to the limitation of their armaments. The Governments are absolutely free to give effect to it or not. If they conform to it, the limits fixed by the Council may not be exceeded without its assent. The plan of armaments must be submitted to a new examination at least every ten years. If an alteration is decided upon, the League states are free to accept it or refuse it.

These provisions of the Covenant amount to saying that armaments will be subject to international negotiations. What permits the possibility of positive results is, especially and in addition to reasons resulting from the necessities of internal politics or the financial status of the various countries, the very heavy reductions which the treaty of peace imposes upon the armaments of Germany. This limitation is evidently of a nature to facilitate similar measures in other states also. The reply of the Allies to the German counter-proposition shows also that the provisions

concerning the German army and navy constitute in some measure the fixed point which may serve as a basis for fixing the level of armaments.<sup>1</sup>

The provisions of the Covenant concerning the control or nationalization of the private armament industry are still more obviously lacking in obligatory force. This is a demand which has been made for a long time on account of the presumed relations between the capitalists interested in this industry and a part of the press or certain political groups. Article 8 confines itself to instructing the Council to advise on the means of parrying this danger. No other authority on this subject is given to the organs of the League.

### EXCHANGE OF INFORMATION

The states members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval [and air] programs and the condition of such of their industries as are adaptable to warlike purposes. Propositions have been made which contemplated conferring on the League of Nations a right of inquiry in this field. These propositions have not prevailed, the Governments not having been able to bring themselves to accept such a control, and also perhaps so that the most important and the most dangerous inventions may be kept secret. It is only in regard to Germany that a right of control of this kind is foreseen.<sup>2</sup>

<sup>1</sup>Part I, Sec. IV, of the reply of the Allied and Associated Powers to the German Delegation to the Interallied Peace Conference, dated at Paris, June 16, 1919, says:

"The Allied and Associated Powers have already pointed out to the German delegates that the Covenant of the League of Nations provides for—

"The reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations."

"They recognize that the acceptance by Germany of the terms laid down for her own disarmament will facilitate and hasten the accomplishment of a general reduction of armaments, and they intend to open negotiations immediately with a view to the eventual adoption of a scheme of such general reduction. It goes without saying that the realization of this program will depend in large part on the satisfactory carrying out by Germany of her own engagements."

<sup>2</sup>Article 213 of the treaty of peace with Germany provides:

"So long as the present treaty remains in force, Germany [as respects the military, naval and air clauses] undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary."

The provisions of the Covenant concerning armaments interest the non-League states only from the following point of view: If one of these states applies for admission to the League of Nations it is, unlike original member states, bound to accept, respecting its military and naval [and air] forces and armaments, the regulation which the Council shall deem it necessary to impose upon them, taking into account their special situation and the general plan. Moreover, it must be understood that the League of Nations does not remain indifferent to the armaments of non-League states. It is probable that it will use its influence to prevent the program of armaments established for its own members being compromised by other states.<sup>1</sup>

#### ARTICLE 10

Article 10 of the Paris Covenant in particular has given rise to fears. It declares that the members of the League of Nations undertake to respect and preserve as against external aggression, that is to say, against any sudden attack, their territorial integrity and their "existing political independence."<sup>2</sup> To determine the meaning of this article it is necessary in our opinion to keep the following facts especially in mind:

a. The members of the League of Nations engage to protect the territorial integrity of the states only against aggression. They do not guarantee it against any modification. The possibility of modifying the present status quo is foreseen, at least in principle, by Article 19. An allusion to this has been made in the declarations of several influential authors of the Covenant.

b. This article contemplates only external aggression, that is to say, originating in other states, and not civil wars, which involve social troubles or the attempt to establish the political autonomy of certain territories. The League of Nations is distinguished from the Holy Alliance and from the legitimist pentarchy of 1815 in that it contains nothing in the nature of a mutual insurance for governments.

c. The expression "independance présent" of the French text does not exactly render the sense of the English term "existing independence." In the original French text the word "existing"

<sup>1</sup>Message, pages 61-64.

<sup>2</sup>Message, page 17.

was not translated. It is not the degree of independence existing in 1919 (full sovereignty, autonomy, etc.) which is protected but the state of things which shall exist in law at the moment of the unjust aggression.

*d.* The Council according to this article may only give counsel (advice) and not direct orders. Likewise, general sanctions as prescribed in Article 16 are in no wise brought into question here; recourse may be had to them only when Articles 12, 13 or 15 are violated. In support of the fact that as a perpetually neutral state Switzerland may not be held to a territorial guaranty the treaty of May 11, 1867, concerning the neutralization of Luxemburg may be cited. Article 2 of that treaty exonerates Belgium, on account of her neutrality, from any obligation of guaranty, although she was a party to the treaty itself.<sup>1</sup>

To get the exact sense of this article it must be considered with other provisions intended to assure the maintenance of peace. By the general rules of interpretation it follows from such an examination that the obligations prescribed by Article 16 for the case of collective action by the League of Nations exist only in the eventualities expressly enumerated in that article itself. They can not be extended to other measures which might be decreed by the League and in particular not to the case of its intervention to assure the maintenance of the territorial and political status quo. In our opinion, the conclusion must be that the League states are bound to abstain from any violent enterprise, but that they can not be compelled in all cases to defend the state attacked in the manner foreseen by Article 16.

#### DIRECTED AGAINST WARS OF CONQUEST

It can, however, be conceived that the League of Nations might wish to protect the territory and independence of its members not only against the aggressions prohibited by Articles 12-15 but also against any other attempt against it. Nevertheless, since all war—even a war tolerated by the Covenant—implies by definition an attack directed against the enemy territory, an enterprise of this kind could not obviously imply violation of Article 10 in all cases. There would be a collision only if a belligerent refused to

<sup>1</sup>Commentary, page 133.



evacuate an occupied territory or if at the outset it manifested a desire to make a war of conquest. For the consequences of this fact are not at all those which Article 16 attaches to wars of surprise. The Council will confine itself to making recommendations destined to assure the territorial maintenance of the status quo. The Council may formulate obligatory advice unanimously only, and solely for its own members and for the other states invited in the specific instance to be represented on the Council (Article 4, par. 5). There is, therefore, no reason for admitting that this provision must involve very heavy obligations for the members of the League of Nations. Article 10, in so far as it may serve as a basis for obligations growing out of the general idea of Article 12, only contemplates regulating the intervention which the powers have always had in mind in case of displacements of the boundaries effected by force.

Finally, the Covenant in no respect shows the tendency of perpetuating in all cases the existing international situations upon which territorial frontiers are based. On the contrary, Article 19 foresees the possibility of modifications in the existing state of things brought about in the interest of peace. To subscribe to the Covenant and thereby to accept Article 10 amounts not to giving an implicit approval to the present territorial division but only to admitting the principle that the status quo may not be modified by violence.<sup>1</sup>

Articles 10, 11 and 17, par. 4, provide that the League of Nations shall or may take measures with a view to safeguarding the peace of the world in case of threat of war or of declared war. The Covenant does not, however, say how the organs of the League shall then proceed and with what means they may be served. Still it is certain that the attitude prescribed by Article 16 for members of the League can not be insisted upon unless the conditions foreseen by that article are present. We have already explained this as it relates to Article 10. The right of members of the League to remain neutral and even to observe a neutrality absolute and without any distinction can not, therefore, be affected, except where Article 16 would apply, by the measures which the League of Nations might be led to take respecting armed conflicts.<sup>2</sup>

<sup>1</sup>Message, pages 17-18.

<sup>2</sup>Message, page 36.

## ARTICLE 11

This article confirms the right of the League of Nations to regard any threat of war as a matter of general interest. In distinction from the text of February 14, 1919, the present editing emphasizes the idea that a matter of general interest is involved in permitting the League of Nations to take the necessary preventive measures; the original text left these to the free judgment of the individual states. The danger that the Governments would act at their own pleasure and create accomplished facts has been effectually guarded against by declaring that the Council must *immediately* meet as soon as any member of the League requests it. Therefore, without a manifest violation of the Covenant the meeting of the Council can not be successfully obstructed and so the League of Nations can not be prevented from concerning itself with the dispute.<sup>1</sup>

## ARTICLE 12

If a difference can not be smoothed out by direct negotiations and if the parties persist in their claims, that one of them which is determined to resort to war to safeguard its rights must first submit to the procedure prescribed by the Covenant with a view to bringing about a peaceful solution of the dispute, if possible. The suit must be submitted either to a court of arbitration or to the Council or to the Assembly of the League of Nations.

If the dispute is judged by a court of arbitration, the sentence must be loyally executed and the affair is liquidated. Unfortunately, the Covenant does not determine in an obligatory manner those cases in which the parties shall be held to submit their difference to arbitration.

If the parties are not bound by a bilateral treaty of arbitration or if they can not come to an agreement on submitting their difference to a court, the suit must be sent to the Council or, in case one of the parties requests it, to the Assembly. By distinction from an arbitral sentence, the decision of the Council is a simple opinion. But if this decision has been taken unanimously by the Council and alternatively by a majority of votes in the Assembly—

<sup>1</sup> Commentary, pages 133-134.

the vote of the parties not being counted—recourse to war against the state which accepts it is prohibited.

The decision of the Council or of the Assembly must be rendered within a maximum period of six months. The courts of arbitration have an appropriate period for reaching their decisions, which in any case may not be shorter than that which the Covenant grants to the Council or to the Assembly. In addition, after the competent jurisdiction has made its opinion known, the parties are pledged to wait at least three months more before resorting to war.

The aim of this system is not only and primarily to provide a positive solution for the dispute but also to gain time and to give to the conflict the publicity which the procedure imposed on the parties implies. If the Council does not succeed in taking a decision unanimously, with or without the majority of the votes represented on the Assembly, the majority of the Council, as well as any state represented on the Council or on the Assembly, may give the widest publicity either to the facts which are at the bottom of the difference or to its own proposals. Trusting to the tendencies of all peoples, which are known to be pacific, the authors of the Covenant hope that war will in fact be rendered impossible, or reduced only to a problematical eventuality, by the single fact of the exclusion of any sudden attack, and as a result of the publicity given to the negotiations which every dangerous dispute will in every case have to undergo.

A material basis was given to this hope, even among the skeptics, by a second capital provision of the Covenant: The state which resorts to war in disregard of the prescribed methods and delays just recounted is in such a case placed under the ban of the League of Nations. It is regarded as the common enemy and is combated by all members. The advantages of the sudden attack in the future will thus be counterbalanced and exceeded by the risk of a state taking on itself the hostility of the rest of the world. A declaration of war mobilizes all the passions, which from that time on form an obstacle to the return of peace. The obligation of respecting certain delays, during which pacific negotiations will take place, will on the contrary mobilize all the forces of intelligence and reflection, which may operate in favor of conciliation and of the maintenance of peace.

The political history of recent times seems to justify this way of

looking at the facts. Not alone the world war but nearly all modern wars have broken out suddenly, on a quick decision excluding any attempt at mediation by means of international conferences or impartial commissions of inquiry. On the other hand, dangerous differences, such as the Anglo-American conflict relative to the Alabama question (1868-1870), the Anglo-Russian conflict over the Hull affair (1904), the Franco-German conflict at Casablanca (1909), the Austro-Russian conflict of 1913, have been smoothed out through arbitration, inquiry or international negotiations, even though the tension of the general political situation and the divergence of views between the parties were in no wise less serious than at the times when it was alleged that war was inevitable. The more the solution of disputes by organs of the community of states shall become the rule, the more difficult will it become for a given state to have recourse to force to make its will prevail.

#### CERTAIN KINDS OF WAR SUPPRESSED

While up to the present every war was considered in international law as an affair interesting only the parties themselves and their allies and no distinction was made between legal wars and illegal wars, the League of Nations will suppress entirely certain kinds of wars at least, or will oppose to them the combined forces of all. It is the first limit which, in the history of humanity, has been put to sovereignty, and thereby to the arbitrariness of states.

The two principal things lacking in the organization instituted by the Covenant are:

First, war remains admissible as one of the methods of international policy. The prime condition of disarmament, the renunciation of all war whatsoever, thus remains unrealized.

Secondly, in cases where the parties will not submit themselves voluntarily to an arbitration tribunal, the League of Nations does not put an end to international disputes by an executory and just sentence rendered by an impartial authority. The Covenant confines itself to excluding certain forms of recourse to force and it excludes them only in cases in which the parties are in agreement to submit their difference to arbitration, or if a solution is recommended unanimously, or, the case arising, by the qualified majority of the states not interested in the conflict.

The explanation of this defect—calm judgment must admit it—is that it is very difficult, not to say impossible, at present to impose on states more extended obligations. Indeed, if it were desired not only to interdict and prevent resort to war as a means of settling differences of all kinds, but to end by an executory judgment disputes arising between states, and if it were desired to impose the decision thus taken by the force of the League of Nations, the established principles of international law would be violated. In its present form, international law is dominated by the idea of the sovereignty of states even more than by that of international solidarity. This law can not be confirmed by the League of Nations, but how is it to be adapted to the new demands of international life and of justice?

Two ways may be conceived. Either the law might be progressively established solely by the jurisprudence of tribunals of arbitration or other organs of the League of Nations. But this would have the effect of conferring upon them a practically exorbitant power which in reality would exceed the limits of jurisprudence so-called. Or international law would have to be worked out and developed by the obligatory decisions of a conference of states, in accordance with the methods of development for internal law. The League of Nations would thereby tend to become like a federative state. But it is more than doubtful whether at the present hour a sufficient number of states—if indeed any states could be found to admit this idea—would consent to sacrifice their sovereignty to the power of an international legislator. Still further how would it be possible to organize the legislative organ of the League of Nations so as in reality to assure to it the power of the principal member states without at the same time reducing in too great a degree the share of influence accorded to the less important? The Swiss Advance Project proposes on this point a solution thoroughly thought out and perhaps acceptable. It admits in behalf of the legislative organ the power of making decisions of obligatory force only where this power should be conferred upon it by the unanimous vote of the federated states. The more perfect a League of Nations is, the more it trenches on the sovereignty of its members, the greater are the political difficulties to be surmounted in getting it accepted.



## MORAL PROGRESS MADE

Yet great progress must be seen in the fact that all states—and particularly all the great states whose effective aid is indispensable to combat war—engage not only to renounce war except under certain conditions, but to regard any state as an enemy which attacks another or which flouts an opinion given unanimously by the League of Nations. This is also moral progress, because this fact substitutes for the heretofore dominant principle of the egoism of the state—each for itself—the new idea of international solidarity—all for one.

This solidarity respecting any disturber of the peace implies obligations for the League states infinitely more important than the restriction of their right to make war. The application of sanctions provided by the pact affects all these states, even the most pacific, and does so in a manner which may impose upon them the heaviest sacrifices. We shall have to examine this part of the Covenant more closely in studying the question of our neutrality. We remark now that no state has ever assumed these obligations outside of a treaty of alliance. If the Covenant went further, it would result in restricting the independence of states, a condition before which, mayhap, the very ones who to-day criticize the weakness of the League would recoil most strenuously. To reach any political result, it is necessary to take account of what is practically realizable at a given moment. Perhaps this principle forced the authors of the Covenant to decide as they did.

In addition to Articles 12, 15, 16 and 17, which impose even on states not in the League of Nations very definite restrictions on the right to make war, the Covenant contains a series of other provisions destined to assure the maintenance of peace. They concern the limitation and control of armaments (Article 9), the mutual guaranty of territorial integrity and political independence (Article 10), the right of the League of Nations to consider any fact of a nature to jeopardize peace (Articles 11 and 19). But in all these cases the question is one of general guidance in matters of policy and not of determined duties imposed upon the states. The efficiency of these provisions depends essentially upon the authority which the League of Nations may have. The require-

ment of unanimity will prevent it from having a policy which would menace the independence of its members. If the great Powers remain united, they will, it is true, be able to exercise a very strong pressure. But this was taking place before. On the other hand, the League of Nations has the advantage of making peace more stable. By that very fact, it assures a greater security to the small states which may be implicated in conflicts between the great Powers. In the present unorganized state of the international community, the weak states may in certain instances take advantage of divergencies existing between stronger states. But to that extent their existence rests upon precarious foundations and they can only gain by the creation of an order of things dominated by the idea of peace, which will permit them to develop more completely and more certainly.<sup>1</sup>

#### AIMS TO SETTLE DISPUTES QUICKLY

Whether a difference is susceptible of causing a rupture can not be determined in advance. But, before entering upon war, every state must observe the procedure made obligatory by Article 12; it must have recourse to it as soon as a conflict takes a turn likely to lead to a "rupture," by which war is not necessarily meant, but the sudden cessation of negotiations. It is of the utmost importance that differences should be smoothed out as quickly as possible by a pacific procedure, and not only when they attain a degree of acuteness in which the possibility of war must be seriously taken into consideration.

For that very reason the Swiss delegation proposed,<sup>2</sup> as the Swiss Advance Project provided in its Art. 28-36, that a procedure of conciliation should precede every examination of the difference before the arbitral tribunal or before the Council. Recourse to the pacific methods of Article 12 would then occur only after having exhausted all efforts susceptible of bringing about a friendly

<sup>1</sup>Message, pages 12-17.

<sup>2</sup>Swiss project in the Conference with Neutrals, Paris, March 20-21, 1919, Article 12, par 1, to read:

"The High Contracting Parties agree that if there should arise between them differences which could be settled neither by the ordinary procedure of diplomacy *nor by a commission of conciliation and of inquiry chosen by the parties*, they shall in no case resort to war without having previously submitted the subject matter of the dispute to an arbitration or to an inquiry intrusted to the Executive Council."

understanding between the parties. The state which shall fail before the tribunal or before the Council will usually be tempted to make recriminations. Moreover, it is certainly in the interest of the small states, especially of those not represented on the Council, to be obliged only under exceptional circumstances to bring their cause before a jurisdiction whose composition is determined by considerations of power rather than by a concern for impartiality respecting the parties in dispute. Still, this inconvenience may be remedied by treaties of obligatory arbitration, the conclusion of which is expressly reserved by Article 21 of the Covenant.

The delay of three months must be observed in all cases, that is, after every sentence, even if pronounced by the court foreseen in Article 14, because, if this is not a tribunal of arbitration in the ordinary sense of the word, it is at least a court freely chosen by the parties. The three months likewise run from the time a report by the Council or the Assembly is drawn up in accordance with Article 15. This report must not be confused with the "recommendations" taken unanimously or by the majority of those voting; it must be worked out in all cases even when it is certain (Article 15, par. 8) that the question is a purely internal affair in which the League of Nations can not interfere.

Par. 2 gives to the arbitrators "a reasonable time" to render their sentence. This time is in any case at least six months, as with the Council, because a judicial procedure allows of inquiries involving both parties, and naturally takes more time than the free examination of an affair by a political jurisdiction.

### ARTICLE 13

It is extremely regrettable that the League of Nations did not introduce obligatory arbitration. In this respect it lags behind the wishes of the great majority of the states at the Second Hague Conference which desired to introduce the principle of obligatory arbitration even though this would be somewhat limited by restrictions in definite clauses.

Article 13, however, recognizes the principle of arbitration in par. 2 and 3 and it does this to a considerable extent; but, judicially speaking, it does not oblige the parties to accept it. It must, however, be noted that in principle all disputes susceptible of solu-

tion by a judicial decision must be submitted to an arbitral tribunal when they can not be removed by direct diplomatic negotiation and this is so without awaiting their taking on acuteness enough to risk their leading to a rupture.

According to Article 13, the duty of states is to submit themselves to a judicial procedure only when they have engaged to do it by a treaty of arbitration. Most of these treaties, and especially those concluded by Switzerland, contain the so-called "honor and vital interest" clause by virtue of which any state may freely decide in each particular case whether or not the difference is susceptible of being solved by judicial means. But under Article 13, par. 1, the parties may, in the absence of a contrary provision of the Covenant, take the decision which seems proper to them on this subject. The practical value of treaties of arbitration is thus strongly compromised; therefore, Switzerland proposed, in accordance with the Advance Project of her Consultative Commission, the creation of a "court of conflicts," charged with deciding whether a decision may be within the cognizance of a court contrary to the plea of the plaintiff.<sup>1</sup>

Unfortunately, this proposal has not won. Without an institution of this kind the satisfactory development of arbitration can not be hoped for. The court of conflicts, on the one hand, assures to the courts cognizance of cases susceptible of being made the subject of a judicial decision, and on the other hand it prevents arbitration from entrenching upon the purely political domain, at the risk of being discredited or refused; it also avoids letting judges become involved, in the interest of the powerful, in the

<sup>1</sup> The Swiss proposal at the Conference of Neutrals, March 20-21, 1919, reads as follows:

"If one of the parties alleges that the difference is not susceptible of an arbitral solution, claiming that it is either not of a nature to be made the subject of a sentence based on juridical considerations or that it affects its independence or its vital interests, this question shall be referred to a special court composed in the following manner: Each party designates a member of the Council and a member of the Permanent Court of International Justice. Two other members are designated by this Court from its own members. Finally, a member is chosen by the Council from its members. The Court thus composed appoints its own president from among the members coming from the Permanent Court of International Justice.

"If the Court admits the exception, the party which finds itself denied the judicial method may refer the matter to the Council, which shall then proceed in conformity to Articles 12 and 15."

adjustment of differences of a political character by mutual concession, instead of being inspired by reasons of law.

When an arbitral sentence has been rendered, every act of war is prohibited, even after the expiration of the delay of three months, provided that in this period the state which is obliged by the court to do something, to submit to something or not to do something accepts the sentence. It is not the state in behalf of which the sentence runs which may in the first instance see to its execution. It is the League of Nations which itself takes the proper measures to assure the execution of the sentence. It is different with decisions taken unanimously by the Council, for the execution of which the League of Nations is not obliged to look out. By what measures the League of Nations must insure the obedience due to a sentence has not been determined. As the conditions of Article 16 are not present, it will have to confine itself to diplomatic overtures or to making recommendations to the states which are willing to consent to take other measures, economic reprisals, for example.

#### ARTICLE 14

One of the great omissions in the Covenant is that it does not organize a court. It has been recognized, however, in the reply to the conference of neutrals, that the constitution of this court must be one of the principal tasks of the League of Nations, and already preparatory steps have been taken to this end.

Switzerland supported in her own Advance Project (Arts. 12-16) for presentation to the Conference of Neutrals<sup>1</sup> the proposition of organizing a Permanent International Court which would offer all necessary guaranties against political influences. If we keep in mind the fact that the Second Hague Conference did not reach

<sup>1</sup>The Swiss proposal in the Conference of Neutrals, Paris, March 20-21, 1919, was a substitute for Article 14 of the project of Covenant of February 14, 1919, as follows

"There is created a Permanent Court of International Justice accessible at all times to the Contracting Parties. It is competent either by virtue of an agreement between the parties or at the request of either of the parties if they have been able to reach an agreement in due time on the compromis foreseen by Article 52 of the first convention of The Hague of October 18, 1907.

"The Permanent Court of International Justice is appointed by the Conference of States for a period of nine years. Each state proposes at least one and not more than four candidates, duly qualified, disposed to accept the duties of judge, and of



any positive result in this matter because the great Powers wished to reserve to themselves a privileged situation in the organization of the court, it is necessary to hope that for the Court of the League of Nations a solution acceptable to all states will be adopted. The counter project of the German Peace Delegation corresponds almost completely on this point to the Swiss project, which would allow of the organization of the court in a practical manner, basing it entirely upon unassailable principles.

The International Court of Justice is competent only when the two parties consent to submit themselves to its jurisdiction; it is not competent, as in the Swiss Advance Project,<sup>1</sup> at all times when the parties do not succeed within a reasonable time in bringing themselves into agreement as to the constitution of an arbitral tribunal.

The last sentence of Article 14, enabling the Court to give an advisory opinion upon any dispute or question submitted to it by the Council or by the Assembly, contains a valuable provision, similar to Art. 55 of the Swiss Advance Project.<sup>2</sup> Often, differences

whom at least one must not be a citizen of the said state. Each state then selects 15 persons from the list so made up. The 15 candidates receiving the greatest number of votes are elected.

"The Permanent Court of International Justice is composed of five judges when sitting in ordinary session upon differences submitted to it.

"As soon as a dispute is pending before the Court, each party must within a period of four weeks, challenge five judges. If a party allows this period to lapse without challenging, the five judges which it must challenge are designated by lot; the same procedure is followed when the challenges of the two parties have eliminated less than ten judges.

"Judges who are citizens of a party state, in its service or who are resident on its territory are challenged by the court (*d'office*). In the case where the Court is competent, on account of the parties not having been able to come to an understanding in due time upon the composition of the tribunal of arbitration, each party has the option of designating any member of the Court whose challenge by the opposing party is precluded.

"The five judges not challenged elect the president from their number."

<sup>1</sup>The Advance Project of the Swiss Consultative Commission of November, 1918, —January, 1919, on this point says:

"Art 37 The disputes referred for judicial solution are decided by the judges designated by the parties. If, within two months after the failure of the attempt at conciliation, the parties have been able to bring themselves into agreement on the compromise foreseen by Art. III of the first convention of The Hague of October 18, 1907, the plaintiff party may demand the judgment of the International Court of Justice."

<sup>2</sup>The article referred to reads:

"If it transpires from the mediatory procedure introduced in conformity with

brought before the Council or Assembly will in whole or in part be purely juridical disputes, whose solution it will not be proper to confide to a jurisdiction essentially political. This will especially be the case when a party is unjustly constrained to follow the arbitral procedure. The Council or Assembly, as the case may be, will then be able to submit the legal questions to the Court for rulings. The opinion of the tribunal will, it is true, not have the value of an executory sentence; but it is probable that it will frequently serve as the basis for a unanimous decision of the Council, imposing peace on the parties, and that it will thus successfully forestall any attempt made by a state to free itself from the fundamental duty of consenting to arbitration, which is incumbent upon it.

#### ARTICLE 15

While arbitration must be accepted by both parties, a single state may demand the application of the procedure provided for in Article 15. A party may only thereby free itself from violation of the Covenant of the League of Nations, but in spite of its abstention the procedure will take its course. The Council may give the widest publicity to the affair from the beginning. The Covenant unfortunately contains no provision which expressly obliges states and, on occasion, the press to see that the publications of the League of Nations should be widely and effectively disseminated; the Swiss Consultative Commission had such a provision.

In the first place, the Council shall endeavor to effect the "settlement of the dispute," that is, to get the two parties to accept a friendly solution. Before this effort at accommodation, the case according to the rule is to be the subject of an inquiry. For these inquiries it is desirable to constitute a commission in conformity with the first Hague convention, in which the two parties are equally represented, and which thus would have to present compromise proposals. Various neutral states besides Switzerland

Art. 49, par. 2 [after neither of the parties has accepted an offer of conciliatory procedure and the bureau of the mediation council regards mediation as indispensable], that the dispute submitted to the mediatory jurisdiction is of an essentially juridical character, the Permanent Delegation [representing states to guarantee sentences] intrusts the definitive solution to the plenary assembly of the International Court of Justice. No objection may be opposed to the decision ordering this reference."

insist that these inquiries and these negotiations for an arrangement should be intrusted to organs independent of the Council, and absolutely impartial. Article 15 does not exclude this procedure, but it does not prescribe, it is far from prescribing, this.

Pars. 4 and 5 organize the procedure which must take place when the Council has succeeded in effecting a "settlement." In all cases, with the exception of par. 8, the Council has the mission of adopting, unanimously or by majority vote, a proposition which meets the requirements of equity and expediency; it is not bound by rules of strict law. All the states represented on the Council—the interested parties shall always have representatives on it—may publish their findings and their propositions; the minority of the Council, or the party which has not obtained satisfaction, will certainly do so, and this will probably result in other publications in rejoinder.

Pars. 6 and 7 regulate the effects of the report of the Council. If the report is accepted unanimously by the states not interested in the dispute, the effect is that neither of the parties—and not the plaintiff only—may resort to war on account of the affair which has been liquidated unanimously by the Council, in so far as the other party satisfies the obligations devolving upon it from the report. In distinction from the project of February 14, 1919, and Article 13, which relates to arbitral sentences, the League of Nations does not intervene directly to assure the execution of the report. It leaves that to the parties: first, to the one which must fulfill the obligations resulting from the report, and then, if it refuses, to the other party, which may, after three months at the shortest, seek execution itself. Only in the case where the other party commences hostilities, with one of the parties conforming to the report, are the sanctions of Article 16 applied to the breaker of the peace.

### PROBLEM OF SECURING UNANIMITY

The fact that the League of Nations does not positively go into action to make its views prevail presents the advantage of facilitating the securing of unanimity. But this system is marred by a serious defect: when the defendant enjoys possession, the claimant to which the Council has unanimously awarded the thing can bring

about justice only by its own means, if the other party does not voluntarily give it up. Therefore, in some instances, and particularly for a small state in the situation of Switzerland, the possibility of proper justice is entirely illusory for the claimant.

If unanimity is not obtained, the parties enjoy complete freedom of action after the expiration of the period of three months: they may therefore go to war.

A difficult question, which has given rise to various interpretations, is what, in this event, are the relations of the other states with the belligerent parties. The expression, "the members of the League," in pars. 6 and 7, may mean either all the members without distinction or only the members which, as parties, must assume the obligations flowing from Articles 12 and 15.

If one takes the first interpretation, that it means all League members, he reaches the conclusion that all the states of the League of Nations would enjoy their full freedom of action at all times unless unanimity was obtained in the Council. This would also be true of states which had taken no part in the procedure, since the dispute had not been brought before the Assembly. It is certain that the parties may go to war, but have other states this right as well? This might be thought, since par. 7 makes no distinction. Nevertheless, such an interpretation appears to be unacceptable, not only because it would mean a considerable weakening of the whole League of Nations and would be absolutely irreconcilable with the fundamental tendency of the Covenant to insure peace, but also because it would be in direct contradiction with Article 12. This fundamental article lays down that in all cases a determined procedure must have been observed before recourse to war is possible. The fact that a conflict between two states has not been unanimously liquidated can not free third states from obligations imposed upon them by Article 12. If, by virtue of a defensive alliance, a state desires to place itself at the side of one of the parties, it is necessary to do it as a litigant in the course of the pacific procedure, or else it must itself start a new case. It is clear from Article 15 that a state may not be at once a judge and a party—a self-evident principle. So it is necessary to qualify as a "party" not only the state which has the rôle of party in the pacific procedure, but quite as much the one which proposes to take part in any eventual armed conflict.



The interpretation that pars. 6 and 7 concern only the members of the League of Nations between whom the dispute has arisen seems at the same time more in accordance with the nature of things and with the whole structure of Articles 12-15. By Article 12, the members of the League assume specific duties in their reciprocal relations, in contemplation of possible conflicts. Article 15 develops the principle set forth in Article 12; it defines what must follow, according to circumstances, from the intervention of the Council: so long as the parties are bound one to another, they may act as seems good to them after the expiration of a period of three months.

#### “PARTIES” MEANS THE DISPUTANTS

We can not conclude from the use of the word “parties” in Article 15, and particularly in pars. 6 and 7, that we must understand “all members of the League” every time “members of the League of Nations” are spoken of in these texts. So far as declaration of the result of the vote is concerned, the parties are designated by the word “parties” because they are not regarded in their reciprocal relations but in contrast with states not interested in the dispute. The clause, “the members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report,” means that, in such a case, military intervention is excluded against any state, that is, against each of the various parties interested in the dispute and without considering which has originally been the plaintiff.

According to our proposed interpretation, the provisions of Article 12 have the effect of limiting military conflicts possibly arising between states to the parties which have participated as such in the pacific procedure. The other states, conversely, may exercise their influence to liquidate the difference only in ways not in contravention of the provisions of the Covenant. They are not thereby condemned to an absolute passivity or held to observing an identical attitude toward both parties. But the members of the League of Nations might at most assume, according to Article 10, the right of taking measures of a military character immediately, and yet they could do that only with a purely defensive purpose.



It is likewise in this sense that the freedom of action of members of the League of Nations not parties to the dispute is to be interpreted, if the whole of the associated states is to be regularly understood by "members of the League of Nations."

The idea expressed in par. 8 is the following: The League of Nations is not to concern itself with anything which, according to international law, is for any state an internal affair, that is to say, matters in which a state may exercise its sovereignty without being hampered either by treaties or by the general principles of international law. The League of Nations must not interfere in the internal affairs of its members even by giving them advice which has not the power to obligate them.

The Assembly enjoys all the competency assigned to the Council by Article 15, when an affair has been referred to it by the Council or at the request of one of the parties. But it is one or the other which decides; there is no procedure for appeal. The possibility of bringing all disputes before the Assembly is a very important guaranty for the states which are not represented on the Council.

Originally, the necessity of unanimity was also stipulated for the Assembly; but unanimity would almost never be secured in it. It was Switzerland that demanded that a qualified majority be fixed;<sup>1</sup> the present text arrives at practically the same end in another way.<sup>2</sup>

#### ARTICLE 16

While it offers only slight positive advantages in economic matters, the Covenant imposes on League states, and indirectly even on all states, a very heavy obligation, that of breaking economic relations with any state which contravenes the prescriptions of Articles 12, 13 or 15. This sanction is also applicable by Article 17 to the non-League state which, having accepted the obligations

<sup>1</sup>The Swiss proposal at the Conference of Neutrals, March 20-21, 1919, at Paris, read:

"Instead of 'unanimity' read: 'The agreement of three-fourths of the members of the Council, representing at the same time three-fourths of the populations of the League.'"

The analogous provisions of the Covenant call for the concurrence of "the representatives of those members of the League represented on the Council and of a majority of the other members of the League, exclusive in each case of the representatives of the parties to the dispute."

<sup>2</sup>Commentary, pages 134-141.

of a member of the League for the purpose of settling a dispute, does not fulfill them or which, refusing to accept these obligations, goes to war against a member state. It is scarcely probable that a state would expose itself to the risks of such a conflict with the League. Nevertheless, this might occur and we must examine this question of sanctions very closely and see all the consequences which the application of Article 16 might have for us.

The economic sanctions comprise:

1. The immediate and general *rupture* of all commercial and financial relations.

2. The *prohibition* of all relations between the nationals of League states and those of the covenant-breaking state.

3. Measures with a view to *preventing* all communications, financial, commercial or personal, between the nationals of the rebel state and those of any other state *whatsoever*.

The term "nationals" may be interpreted, in conformity with Anglo-American doctrine, as applying not to the citizens of the state in question, but to persons who, having their domicile on its territory, are submitted to its sovereignty. If this interpretation is admitted, which the origin of the first Paris project seems to authorize, the application of Article 16 would be notably less and this clause of the Covenant would be less rigorous than its French text would at first sight seem to indicate.

The rupture mentioned above under No. 1 is the most important of the measures provided. It will be effected by closing the frontiers. This rupture would thus involve the prohibition of all payments to persons domiciled in the blockaded state.

The prohibition of all relations under No. 2 may comprehend, if the term "nationals" has, with the exception of domicile, the sense given to it by public law, the prohibition of all relations both across frontiers and to the interior of states participating in the blockade. It is difficult to see how, in respect to this latter point, Article 16 could in practice be applied without interment or expulsion. These measures, which Article 16 does not expressly prescribe, would be incompatible with neutrality. Switzerland, moreover, would find herself in an impossible situation if she had to take them, considering the great proportion of foreigners included in her population, especially in certain cities.

Very important is the obligation of No. 3 which Article 16 im-

poses on League states, to "prevent" all relations between nationals of the covenant-breaking state and those of every other state whatsoever. This provision evidently aims at keeping the nationals of third states from rendering illusory both the blockade established by League states on the latter's territory and the prohibitions decreed by them. It would without doubt result in a system of control of personal relations and traffic in merchandise analogous to that which has grown up a little at a time in the course of this last war. But in the event of applying sanctions by the League of Nations, this control would probably become still more complete and more rigorous.

### MUTUAL SUPPORT EQUALIZES RISKS

By the tenor of par. 3 of the same Article 16 the members of the League agree to lend each other mutual support. This is the necessary corollary of the inequality of risks. The economic measures taken by virtue of Article 16 may have a very different reaction on the various states participating in the blockade. It might happen that for some League state they had graver consequences than for the blockaded state itself.

The right of claiming the aid of the other members of the League is doubly enhanced by the duty of their lending support. It is not possible to define the degree to which each state may thus be aided or to which it shall itself have to furnish its aid to the other federated states. That is a question of the particular case. It may be admitted as a general rule that the support to be given to others by a given state will be the more important the less the risk that state itself incurs. States far from the theater of war will be the first ones called to assist economically those which are most exposed to undergoing the military and economic consequences of the common action. This is in the interest not only of the League but also of the states which are least in danger.

The Covenant does not expressly provide it, but it may be regarded as going without saying that the rebel state has the obligation of indemnifying the members of the League for at least the direct damage which its illegal attitude and the application of the sanctions ordered against it shall have caused them. This obligation may induce the covenant-breaking state to refrain from re-

plying by reprisals to the measures taken against it, or at least dictate a certain moderation by it in this respect.

It is improbable that Switzerland would ever be the subject of the sanctions of Article 16. She may, however, be affected by their application, either in case she should take part therein or in case, as a neutral state remaining outside the League, she should not participate or at least should participate only to a degree as restricted as possible. If as a member of the League, Switzerland desired and was able to maintain her relations at the same time with the League of Nations and with the rebel state her situation would not be different from that which it would be if she pretended to maintain her neutrality by remaining outside the League. For in the latter hypothesis the League would not allow one of its neutral members to weaken the efficiency of its sanctions more than a neutral non-League state.

Participation in sanctions to the degree which is reconcilable with neutrality may undoubtedly involve serious consequences for our country. Switzerland is so dependent on various other countries for her imports and her exports, she is especially in such close economic relations with her neighbors, that the sudden rupture of these relations would necessarily shake our economic life. Switzerland in proportion to her small size has also a considerable number of citizens established abroad. She has economic interests of all kinds beyond her borders. We can not conceal from ourselves, finally, that the covenant-breaking state would undoubtedly reply with measures of retorsion to measures that we should be able to take respecting its nationals.

It is to be remarked, however, that these risks are as a general rule important only in case the action of the League of Nations should occur in our vicinity, that is, if it is directed against one or more of our neighbors. In this case—we have had the most conclusive experiences in the course of the war just ended—our commerce and our relations abroad would undergo all manner of restrictions and the most prejudicial interruption, and this probably by each of the belligerents. However, as the rupture of relations would be complete, or at least nearly complete, with the covenant-breaking state, we should suffer harm from that side more serious than if we should desire to continue to observe the policy of neutrality which we have followed up to now. On the other hand, our

participation in the sanctions would have the advantage of assuring us the freest relations with the other states which should take part therein, that is to say, with the greatest part of the world. Our country would find itself at such a time probably in a situation less precarious than if, without having in principle the support of any of the belligerent parties, it had to negotiate at the same time with both for indispensable import and export licenses, and thus felt itself more and more tightly squeezed from an economic point of view. The advantages which would accrue to us from being a member of the League may, therefore, be regarded as compensating the political and economic risks resulting therefrom.

#### CONSEQUENCES OF NOT PARTICIPATING IN SANCTIONS

Finally, it must be asked what would happen to Switzerland if she remained outside the League of Nations, that is, if she wished in principle to maintain economic relations with both the parties at loggerheads. She would find herself on one side faced by covenant-breaking state or states which, being blockaded by the rest of the world, would probably not be in condition to provide her with what is indispensable to her. The League of Nations would in all probability and economically at least be the stronger and more apt to be self-supporting. For, by the tenor of Article 16, states members of the League would be bound to prevent, especially on their own territory, but also probably in the theater of maritime war, all economic and other relations between the nationals of the covenant-breaking state and every other person. States would therefore place their relations with a neutral state under rigid conditions, even if—and this has already been attempted in the course of the late war—they did not aim at subordinating the maintenance of these relations to a certain regulation of the relations of the neutral with the covenant-breaking state.

The League of Nations would devote all the greater energy to assure through the neutral state the efficiency of the blockade directed against its adversary, because it would believe that by doing this it would safeguard not only the interests of certain specific states but those of humanity at large. It may consequently be forecast that from the economic point of view the League would not show any particular good will toward a state



which pretended to hold an even balance between it and the rebel state and which should desire in this field to follow a policy having the effect of reducing the pressure of measures taken by it.

The neutral state would thus run the risk of being forced in the end to adapt itself to the established blockade, under pain of finding itself completely isolated. That this should be voluntary and the result of engagements taken in advance or under the pressure of a constraint by which the neutral state's right of maintaining normal relations with the covenant-breaking state had been revoked, would indeed be indifferent to the latter. It may be admitted without dispute that the manner in which the rupture was effected might be important from the political point of view.

In the last analysis there exist no purely economic reasons which might influence a neutral state to attempt to maintain, in the very rare case of a coercive action of the League of Nations, the principle of equal treatment of the two parties, a principle, moreover, whose practical application would be very incomplete and would impose on the neutral painful sacrifices. Such a policy might be justified only if the risk of war was considerably aggravated by participation in economic sanctions and if the state were convinced of the necessity of this attitude. We have already examined this aspect of the problem.<sup>1</sup>

By this article the state of war is declared once for all when certain conditions are fulfilled; there is therefore no need to take a new decision, such as a formal declaration of war.<sup>2</sup>

The perpetual neutrality of Switzerland being exceptional in the League, the Covenant does not regulate its relations toward action to execute sanctions. Article 16, which starts from the idea of a state of war existing between the League and a covenant-breaking state, is not properly speaking applicable. By deduction, however, it permits a definition of the juridical situation of a neutral. Collective opposition to certain forms of war is one of the principal purposes of the Paris Covenant. The neutral state which accedes to the League must aid the other members in this task to the extent allowed by its neutrality. It is a duty of fidelity, an obligation which must be recognized as in the nature of things, even if it does not form the subject of any contractual provision.<sup>3</sup>

<sup>1</sup>Message, pages 79-83.

<sup>2</sup>Commentary, page 141.

<sup>3</sup>Message, page 38.

## VIOLATION OF PACIFIC PROCEDURE CLEAR

Article 16 expressly mentions Articles 12, 13 and 15. It is not possible to apply it to violations of other provisions of the Covenant.

By the rule, the violation of the Covenant will be clear. On occasion, it will be the duty of the Council—or the Assembly, if the dispute was before it — to state whether the conditions of Article 16 have occurred.

Par. 2, differently from par. 1, raises the question of actions which obligate the states only if they have agreed to them by participating in the decision of the Council itself, or if they are obligated thereto by a defensive alliance.

Par. 3. Economic sanctions, having reactions very different for the states which apply them, and being understood to expose each state very differently to measures of retorsion, the mutual support which states must lend to each other is the indispensable corollary of the solidarity which unites them against the state which has broken the peace. The right of passage, which is nothing else than a mutual military assistance, is conceded by the Covenant itself; no decision of the Council is necessary for it nor is the consent of the state over whose territory passage is to be made; an arrangement is necessary only for the mode of passage (use of railroads, etc.).

Par. 4, to take it literally, contains a penal provision which might be applied to any violation of the Covenant of the League of Nations. Nevertheless, since this provision was put into Article 16, which indicates the sanctions applying to the violation of Articles 12, 13 and 15, it is necessary to conclude therefrom that the exclusion stipulated by it may be pronounced only against the state which disturbs the peace and that its only purpose is to exclude that state from any subsequent participation in the Council and the Assembly.<sup>1</sup>

The question of who will legislate on the extent of the obligations imposed on the League states is settled by the Covenant as respects a conflict between two or more states, but not for the case where there should be a divergence of views between a state and an

<sup>1</sup>Commentary, pages 141-142.

organ of the League, the Council for example. The relations growing out of the Covenant being essentially of the contractual order, it can not be admitted that certain League states may impose on others a specific interpretation of the Covenant. Still indeed, a state may not free itself from the effect of a decision taken unanimously by the Council, which may eventually invoke Article 16, last paragraph, as authority for the exclusion of any state which should not comply with the provisions of the Covenant.<sup>1</sup>

#### ARTICLE 17

Article 17 of the Covenant permits the League to impose the observance of Articles 12-15 upon the states which are not of the League. The international community must have the right of demanding from all states recourse to the pacific procedure provided for the regulation of disputes. This system is not, however, without grave inconveniences, the more so since Article 17 does not guarantee a method of adjustment excluding all appearance of partiality. On the one hand, in fact, the Covenant does not expressly impose on the members of the League the obligation of following in this case the procedure laid down by Articles 12-15. On the other hand, the non-member state has not the right of demanding that the difference should be judged by an arbitral tribunal in the constitution of which the two parties take an equal part or that it be submitted to a jurisdiction of the same character. It may, on the contrary, see itself constrained to accept the jurisdiction of the Council or of the Assembly which, being composed of representatives of states associated with its adverse party, may incur the reproach of not being sufficiently impartial. The Council may in addition apply modifications which seem to it necessary in the provisions applicable to neutral states. The Covenant which confers this power upon it does not state in what sense nor in what limits these modifications may be ordained.

It is in the interest not only of states not in the League but also of member states that the procedure for pacific regulation should be applied to non-League states with entire impartiality. Without this, the provisions of Article 16 relative to sanctions might place member states in a delicate situation. Neutral Switzerland

<sup>1</sup>Message, page 24.

can contemplate the eventuality of a conflict of this character only with concern, and the very fact that a collective action of the League might be decided upon under these abnormal conditions is for our country an essential reason for turning aside as little as possible from the policy of neutrality which she has up to now pursued.

Considerations of another sort also come to the front for Switzerland. A series of states is temporarily excluded from the League. This fact is of a nature to create a certain opposition between those states and the League, the more so because those states are former enemies of the most important members of the League. It results, however, from the declarations contained in the final reply made by the Allies to the German negotiators that, in principle, the League of Nations must be regarded as open to all and that Germany may hope to be admitted to it in the near future.<sup>1</sup> To this effect authorized persons also have expressed themselves in the Allied countries, especially in England.

<sup>1</sup>The reply of the Allied and Associated Powers to the observations of the German delegation on the conditions of peace, dated June 16, 1919, in Part I, says:

"I. The Allied and Associated Powers regard the Covenant of the League of Nations as the foundation of the treaty of peace. They have given careful consideration to all its terms, and they are convinced that it introduces an element of progress into the relations of peoples which the future will develop and strengthen to the advantage of justice and of peace.

"The text of the treaty itself makes it clear that it has never been the intention of the Allied and Associated Powers that Germany or any other Power should be indefinitely excluded from the League of Nations. Provisions have accordingly been laid down which apply generally to states not members of the League and which determine the conditions of their admission subsequent to its formation.

"Any state whose government shall have given clear proofs of its stability as well as of its intention to observe its international obligations—particularly those obligations which arise out of the treaty of peace—will find the Principal Allied and Associated Powers disposed to support its candidature for admission to the League.

"In the case of Germany, it is hardly necessary to say that the record of the last five years is not of a character to justify an exception, at the present time, to the general rule to which reference has just been made. Her case demands a definite test. The length of this period will largely depend upon the acts of the German Government, and it is within the choice of that Government, by its attitude toward the treaty of peace, to shorten the period of delay which the League of Nations, without any intention of prolonging it unduly, shall consider it necessary to fix.

"Provided these necessary conditions are assured, they see no reason why Germany should not become a member of the League in the early future."

In the letter of the president of the Interallied Peace Conference covering the reply just quoted, it was stated:

"VI. The Allied and Associated Powers have given consideration to the request



No one denies that by destiny the League of Nations should be universal. That is why it has included not only Switzerland but still further the majority of those states which during the war officially or privately took notice of the creation of a federation of this kind. Universality is, moreover, demanded for reasons of political opportuneness. A League of Nations from which should be excluded one or more states which, on account of geographical situation or by reason of economic activity, were important for member states would not really be in a position to assure the maintenance of peace. The exclusion created by these divergencies and the divergencies themselves encourage hostile groupings. That would thus be traveling toward a goal opposed to the one which is proposed: Peace founded upon 'the solidarity of nations.'<sup>1</sup>

In principle, the procedure of Article 17 is the same as that which Articles 12-15 establish for members of the League of Nations. Still, it is necessary to observe the following differences from the application of Article 15:

a. According to par. 1 the Council may modify the ordinary rules in the way that seems just to it. Equity would desire that use of this option should be made only to introduce special guaranties of impartiality.

b. When the procedure is under way, the Council may still decide, if this seems necessary, upon modifications in Articles 12 to

of the German delegation that Germany should at once be admitted to the League of Nations. They are unable to accede to this request.

"The German revolution was postponed to the last moments of the war, and there is as yet no guaranty that it represents a permanent change. In the present temper of international feeling, it is impossible to expect the free nations of the world to sit down immediately in equal association with those by whom they have been so grievously wronged. To attempt this too soon would delay and not hasten that process of appeasement which all desire.

"But the Allied and Associated Powers believe that if the German people prove by their acts that they intend to fulfill the conditions of the peace, and that they have abandoned those aggressive and estranging policies which caused the war, and have now become a people with whom it is possible to live in neighborly good fellowship, the memories of the past years will speedily fade, and it will be possible at an early date to complete the League of Nations by the admission of Germany thereto. It is their earnest hope that this may be the case. They believe that the prospects of the world depend upon the close and friendly co-operation of all nations in adjusting international questions and promoting the welfare and progress of mankind.

"But the early entry of Germany into the League must depend principally upon the action of the German people themselves."

<sup>1</sup>Message, pages 56-57.



16 to be made for the particular case. But a right as essential as the appeal to the Assembly must not be suffered to undergo any harm.

#### ARTICLE 18

This important provision concerns future treaties only. But this is in no wise a serious limitation, for Article 20 of the Covenant abrogates all old treaties incompatible with the League of Nations, when concluded between its members, or it obliges them to free themselves therefrom as soon as possible, when other states are interested in them. In the relations between members of the League of Nations, the Covenant is the new treaty which invalidates the old law, and for future conventions it is the superior law which stands above any special understanding. Its validity is analogous to that attributed by public law to the national constitution in relation to ordinary legislation.

Registration and not publication of treaties by the Secretariat is the condition of international validity. But it is necessary to admit that all members of the League have the right to consult the registry of engagements kept by the Secretariat.

All conventions between members must be registered, whatever their nature. Still, unwritten (*dénuées de forme*) understandings, from which each party may absolve itself at its own election, fall outside this rule.

#### ARTICLE 19

This article imposes no immediate obligation on the state. It invests the League of Nations with no authority, but it does lay down the important principle of the evolution of existing law and the modification of acquired rights.

#### ARTICLE 20

See the commentary on Article 18.<sup>1</sup>

#### ARTICLE 21

In the course of the conversations and negotiations which took place at Paris from the middle of January to the middle of May,

<sup>1</sup>Commentary, pages 142-143.

many methods of giving recognition to the special situation of perpetually neutral Switzerland were considered. The hope of obtaining this recognition, in the sense of the Swiss project, correlated with the assignment of the seat of the League, was not realized. By the final text of the Covenant, Switzerland was not able to make any reservations when entering the League of Nations. But on the other hand, Article 21 of the Covenant allowed the giving of recognition to the fact that neutrality is an engagement for safeguarding the state of peace. This article declares that such engagements are not incompatible with any provision of the Covenant. It cites as examples "treaties of arbitration and regional understandings like the Monroe doctrine." It is indisputable that the treaties of 1815, and especially the act of November 20, concerning our neutrality constitute in an eminent degree an "engagement for the maintenance of peace," which by the terms of Article 21 of the Covenant may hold good in the League of Nations.

The Swiss delegates presented this point of view to the president of the League of Nations Commission, and Mr. Ador, president of the Confederation, in the course of his second sojourn at Paris (April 28-May 31, 1919) had the satisfaction of convincing many of the most competent statesmen.<sup>1</sup>

By Article 1 the declaration of adhesion must be given without reservations. By "reservations" in the sense of this text must be understood a declaration by which a state, member of the League, should refuse to assume one of the obligations resulting from the Covenant, or should pretend to impose a personal interpretation of such and such a provision of the Covenant, or should claim a special right, other than those which belong to all League states. A reservation makes a breach in the Covenant to the benefit of the one that formulates it. The formal exclusion of any reservation is explained by the deplorable experiences on the occasion of the Second Hague Conference. Conventions which were the result of laborious compromises were in the end signed or ratified by certain states only under reservations excluding articles which did not suit them.

A reservation properly so-called on the subject of neutrality,

<sup>1</sup>Message, page 32.

which profoundly modifies the obligations flowing from Article 16, would not therefore be admissible. But Switzerland will not make a reservation declaring that by virtue of Article 21 her neutrality holds good as an international engagement assuring the maintenance of peace, and as such is compatible with all the provisions of the Covenant; because on this point, as well as for the Monroe doctrine, the reservation is made by the Covenant itself. This is not a case of a declaration made unilaterally by the interested state. Article 435 of the treaty of peace recognizes in fact that the neutrality of Switzerland must be regarded as an international engagement for the maintenance of peace. The Covenant of the League of Nations having been inserted in the treaty of peace and having been signed by the same states, Article 435 authentically interprets Article 21.

As our country attaches a particular importance to the maintenance of its neutrality and in order that no doubt may exist on the subject, it is important that, in acceding to the League of Nations, she should make an express declaration on this point. It is indisputable that the maintenance of neutrality relates especially to the sanctions of Article 16 because it is necessary only for this situation, but nothing must be neglected to avoid differences in the interpretation of important points. Switzerland equally desires neither to deceive the League of Nations by a too extensive interpretation of her neutrality nor to surprise the eventual adversary of the League by a policy which in its opinion would appear to be two-faced.<sup>1</sup>

The expression "regional understandings" may be variously understood. It may be conceived that neighbor states form within the League of Nations something like close communities for developing more completely the principles of the League of Nations. The Pan American Union would be an organism of this kind.

Treaties of obligatory arbitration are in no wise contrary to the League of Nations, for nothing in it is opposed to states engaging to settle their differences by the judicial method. In this connection it is proper to observe that the Hague convention for the pacific settlement of international disputes is always in force.

<sup>1</sup>Message, pages 93-94.

## ARTICLE 22

This article establishing mandatories, which has no immediate significance for Switzerland, contains no provision of a truly juridical nature, with the exception of the last three paragraphs, which deal with oversight by the League of Nations of the execution of mandates. It develops a program for the administration of the colonies ceded by the German Empire and the countries to be separated from the Ottoman Empire. A Permanent Commission of the League of Nations receives all the reports which the mandatory states are to send to it annually and gives its advice on this subject.

## ARTICLE 23

By this article, as well as by the preceding one, the states assume no immediate obligation; in its essential provisions it confines itself to developing a program of activity for the League of Nations in the field of public economy and of social foresight.

The organization foreseen in par. *a* for the development of international labor law has found its first realization in Part XIII of the treaty of peace with Germany.<sup>1</sup>

In requiring an equitable treatment of indigenous populations, par. *b* undertakes to declare that all states are bound by the principles applicable to colonial mandates in accordance with Article 22. This provision as well as that of par. *d*, prohibiting commerce and trade in arms, goes into a field already partly regulated by various international agreements (Kongo Act of February 26, 1885, Anti-Slavery Act of Brussels of July 2, 1890, and the Algeciras Act of April 7, 1906).

Par. *c*. The fight against certain immoral and dangerous forms of commerce which had already been undertaken before the war by international treaties is to be continued under the control of the League of Nations (international arrangement concerning the repression of the white slave trade of May 18, 1904; opium monopoly of Article 72 of the Algeciras Act).

Par. *f*. For the same reasons as in the case of par. *c*, the League of Nations has been intrusted with international hygiene and the measures to be taken for preventing and fighting epidemics;

<sup>1</sup>See "Labor in the Treaty of Peace," *League of Nations*, II, No. 5, October, 1919

efficient action is indeed possible only over a very large territory and if methodical employment and appreciation of all local means of assistance are involved. The most important of the agreements already concluded in this field is the International Sanitary Convention for the application of protective measures against the plague, cholera and yellow fever of December 3, 1903.

The activity of the League of Nations so far as concerns public health must be encouraged and popularized by the organization of the Red Cross mentioned in Article 25.

Par. *e*. The very important field of economic relations has unfortunately been treated only in an extremely casual manner in the Covenant of the League of Nations.<sup>1</sup>

The Department of Public Economy has examined this question and has submitted it to a special commission. This study has led it to pronounce in favor of the adhesion of Switzerland.

It is quite generally believed that one of the principal tasks of the League of Nations is to assure an equitable international economic situation, economic peace being one of the essential bases of political peace. The German project for the League of Nations, for example, contains detailed provisions on freedom of commerce, free passage, etc. It must, however, be stated that opinions are very various on the subject of the proper methods of assuring economic peace. Some expect the elimination of all causes of international tension to come from an absolute freedom of commerce. Others, on the contrary, demand that economically weak nations be protected against those, which, thanks to the commercial aptitudes of their populations, or because they possess certain materials of prime importance, are in a privileged situation for the international economic struggle. If it had been tried to solve all these problems at a single stroke, for all states, by provisions of the Covenant of the League of Nations, it is very doubtful if any positive result could have been obtained in the very short time at disposal.

The founders of the League have not, however, completely neglected to approach the question of the regulation of economic interests. The Covenant itself on this subject presents only the following provisions:

1. By Article 23, *a*, the international regulation of labor is one

<sup>1</sup>Commentary, pages 143-145.



of the tasks of the League of Nations. A positive result has already been attained by the elaboration of the convention which forms Part XIII of the treaty of peace with Germany.<sup>1</sup>

2. Article 23, *e*, sets forth certain general principles concerning commercial relations and communications which we shall have to examine in their practical bearing.

3. The provisions of Article 16 (sanctions) are of very great importance from the economic point of view.

Such are the provisions of the Covenant which have the most significance in this respect, and for members of the League they are before everything a source of risks, and of grave risks.

But what is more important than the immediate advantages and the direct inconveniences which may result from accession to the League of Nations is the general political situation which the decision to enter the League or to remain outside of it may create, a political situation which will be determinant from the point of view of our economic relations and for the conclusion of treaties of commerce in general.

By Article 23, *e*, the members of the League, under reserve of the provisions of international conventions already existing or which shall be hereafter concluded must make "the necessary provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of *all* members."

Switzerland has up till now had, respecting states of the greatest importance in this domain, the benefit of treaties of commerce, friendship and establishment confirming the principle of freedom of transit and of the free establishment of the citizens of the two contracting countries and containing provisions relative to commercial relations. The régime most generally effective is that of the most-favored nation.

As the Covenant establishes no definite limit concerning the right of each state to regulate these questions at will, Article 23, *e*, contains in short only a declaration of principle. It would be deceptive to expect immediate advantages from it. But it would be equally wrong to believe that this provision is devoid of all practical value. It implies a program of development of commercial

<sup>1</sup>Labor in the Treaty of Peace with Germany, *League of Nations*, II, No. 5.

relations and communications, incontestably favorable to our economic interests.

It is very important for a country, which like ours is at the center of the continent, to have the possibility of communicating freely not only with its neighbors but also with states separated from it by other countries. Especially is it important for it to have free access to the sea. This principle is set forth in one of the fourteen points of President Wilson. Normally, freedom of communications and equality of treatment, from which the transports of all states must benefit, are a natural consequence of the competition between the various land and sea lines and between the various ports. It is, however, important that it should be recorded in a treaty binding, if possible, a great number of states, and excluding any arbitrary differentiation or restriction from the field of international relations.

Communications by railroad are the subject of the Bern convention of October 14, 1890, and of the conventions completing it. This convention, which had been denounced by several states (France, Belgium, Italy and Serbia), has been renewed between the signatories by the terms of Article 366 of the treaty of peace with Germany, and it must be replaced within five years by a new and enlarged treaty.

The situation of Switzerland is improved by Articles 354-356 of the treaty of peace, which set forth for all states the principle of freedom of navigation of the Rhine from Basel to the sea and which give Switzerland the right of representation on the Rhine Commission alongside France, Germany, the Netherlands, Great Britain and Italy. Switzerland thus obtains the full and entire recognition of her rights as a riverain state which have been unjustly refused to her since the treaty of Vienna.

The Paris Conference has also provided for working out a general convention concerning transit, waterways, ports and railroads. By Article 379 of the treaty, Germany has given her adhesion in advance to this convention when it shall have been approved by the League of Nations. Switzerland has secured the opportunity to make her desires known to the commission charged with studying this problem.

## HOW PROVISIONS MAY BE REALIZED

The peace treaty contains a series of provisions in the interest of freedom of communications, notably profitable to states which have no access or an insufficient access to the sea. The principles thus recognized may in their consequences have a real importance for Switzerland. Moreover, they show in what sense the program established by Article 23, *e*, of the Covenant will be realized.

The Covenant confines itself to setting forth this general principle, that the states members of the League shall, respecting commerce, mutually assure each other equitable treatment. The treaty of peace does not contain additional provisions directly touching the commercial relations of Switzerland.

By Article 23, *e*, of the Covenant, "the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind." This undoubtedly means that, in the League of Nations and in spite of the principle of equality of treatment set forth in favor of all its members, measures shall be taken to prevent states whose industry was not wiped out by the war from being able on this account to gain too much of an economic advance over those which will, during the years immediately to come, have to devote all their energies to the restoration of their industry.

What gives importance to the League of Nations for our economic life is the free play which may result to us from its establishment. Primarily, a country such as Switzerland, for which international exchanges have a fundamental importance, has every interest in the development of international law and in everything that may assure security to the relations between peoples. We should, therefore, in any case have cause to hail with joy the idea of a renovation of international policy, which is at the basis of the League of Nations. It at least makes entirely possible an economic organization of the world which can only be favorable to a small people, laborious but without political power. Without the League of Nations, conversely, the isolation of states and their rivalry would engender a state of things in which international economic life, on the ground of being dominated by the principal Powers, would undergo more and more the counterblow of political interests and passions. Switzerland must, however, ask herself not only what interest she may have broadly in the creation of the

League of Nations but also what influence the decision she will take respecting entrance into the League may have on her commercial relations.<sup>1</sup>

The Covenant assures economic advantages to the League states only in a very indefinite form. It would, therefore, be erroneous to accede to the League with the idea that thereby we should obtain guaranties from which our commercial relations abroad would profit forthwith and directly.

But it must be understood that if we stay outside the League of Nations our political isolation will make the establishment of our foreign commerce on stable and advantageous foundations very difficult. Several states, to-day and doubtlessly for some time yet, are disposed to alter their commercial policy in the direction of protectionism. It is also possible that the states united by the war would mutually favor each other in the field of commercial relations. In any case, a state which after being invited to join the League of Nations preferred not to adhere to it will, as a general rule, find itself in a situation less favorable for the conclusion of treaties of commerce, than if, by the mediation of the League, it had entered into closer relations with its members. At a time when questions of sentiment have a very considerable influence on policy, these imponderabilia can no longer be neglected in the solution of economic problems. It would be exaggerated optimism to admit that as a great buyer Switzerland might, regardless of her international situation, assure herself of a satisfactory price as a seller.

In examining this aspect of the problem of the League of Nations, it must never be lost to sight that the economic existence of Switzerland rests to a very large degree on her relations with foreign countries. Our industries work especially for the export trade. Our primary materials come to us from abroad. Our transports, that is, both the utilization of our ways of communication through foreign countries and the necessary transportation of our imports, depend upon international agreements.

If the Covenant of the League of Nations by its text offers us very little tangibly from the point of view of commercial policy, if even to skeptical eyes it offers us nothing at all, our eventual ad-

<sup>1</sup>Message, pages 75-79.

hesion to the League is none the less of a nature to bring us closer to other member states and this constitutes an essential moral factor, which Switzerland could invoke on the day when she should be menaced in her vital interests. If we stay outside, a quantity of negotiations and of possibilities of agreements will be cut off. Relations between peoples will be settled in our absence and we shall lose the best occasions for making ourselves heard.

If it is not to be disregarded that the system of sanctions organized by the Covenant may be a source of dangers and of serious adverse economic influence, especially for a country like Switzerland which depends intimately on the rest of the world, it must also be remembered that these dangers and this adverse influence also threaten us, although in a different way, quite as much if we refuse to enter the League of Nations as if we accede to it. If we should stay out of the League and its sanctions should be ordered, it would probably be even more difficult for us to assure our economic existence than in the course of the last war. The blockade would be even more general and more strict and Switzerland, not belonging to the League of Nations, could not count on good will and sympathies any more than in the past. On the other hand, if, as a member of the League, Switzerland takes part in economic measures directed against a rebel state, she must take account not only of the rupture of relations between herself and that state, but also of measures of retorsion which the latter will be able to take at home in regard to properties belonging to Switzerland and even to her citizens. This risk may be very serious, especially in a conflict affecting the states bordering upon us. It has its compensation in the obligation imposed by the Covenant on the federated states to lend each other mutual support in economic matters.<sup>1</sup>

#### ARTICLE 24

There already exists a great number of international bureaux; they are offices created by international treaties to direct affairs regulated by these agreements; a certain number of these bureaux, among them the most important are at Bern (Bureau of the Universal Postal Union, Bureau of the International Telegraphic Union, International Bureau of Intellectual Property, Bureau of

<sup>1</sup>Message, pages 104-106.



the Union for Railroad Transportation; besides, there are an International Institute of Agriculture at Rome, an Office of the Metric Union at Paris, etc.). These offices are to be placed, with the consent of states members of these unions, under the supervision of the League of Nations, notwithstanding that up to the present this control was intrusted under the rule to the Government of the state in which the international office was located, this Government moreover having the right of making the necessary appointments. The possibility of obtaining the consent of the interested states to this new organization results indirectly from the fact that all these conventions of union may be recast. Since all the international bureaus still to be created and all the permanent international commissions will be equally under the League of Nations, it must be foreseen that in time a complete international administration will take form within the League of Nations.

For matters on which special bureaus or special commissions will not be constituted, the functions which they would have to assume will be assigned to the Secretariat of the League of Nations with the consent of the Council.

#### ARTICLE 25

Article 25 has been inserted in the Covenant at the request of a committee constituted by the representatives of the national Red Cross Societies of America, France, Great Britain, Italy and Japan. These societies, believing that the conclusion of peace must not interrupt the charitable action under the Red Cross flag during the war, decided upon the creation of a League of Red Cross Societies. The statutes of this league comprise a peace program in conformity with Article 25. In their desire to render a striking homage of gratitude to the International Committee of the Red Cross at Geneva, the founders of the league have also fixed upon that city as its seat. All the national Red Cross societies of the Allied and neutral countries have been invited to adhere to it and the majority have already responded favorably to this invitation, which will probably be extended to all the other Red Cross societies as soon as the League of Nations shall have been given a universal character.

## ARTICLE 26

The possibility of modifying an international treaty by decisions taken by the majority is, in international law, a radical novelty; up to the present, international unions remained in force in their earlier form for all contracting states which did not ratify the revised treaty. But the simultaneous maintenance of old and new agreements, concordant in the essential points, is not possible for the League of Nations, whose constituent Covenant frequently contains provisions of an organic character. This is why the rule has been laid down that the Covenant shall be obligatory for all members and that it shall entirely replace any earlier edition.

But as the states are, at present at any rate, not at all disposed to submit in advance to a decision of other states, the right of withdrawing from the League of Nations has been reserved to any dissident state. It is a right on which those states can not pass which are not represented on the Council, and which consequently do not enjoy the right of veto provided by Article 26. This rule agrees in principle with a proposition formulated by Switzerland.<sup>1</sup>

But the Swiss proposition permitted the withdrawal only when essential modifications were in question, and it left to a judicial jurisdiction the duty of deciding, in case of need, whether this requirement was or was not realized.

The procedure of revision is not defined by the Covenant. It must be supposed that it is the Assembly which will debate and decide the revision. But the decision will enter into force only when it shall have been ratified by the individual states and when it shall be possible thus to determine that this has been done by the majority provided by Article 26. It is to be admitted that

<sup>1</sup>The Swiss delegation to the Conference of Neutrals, March 20-21, 1919, proposed a new paragraph to Article 26 as it appeared in the draft of February 14, consisting of alternatives, as follows:

*"First variant:* Revision of the Covenant may not affect its essential elements, nor create, modify or abolish the special rights or particular obligations regarding certain states or groups of states. Provisions relative to this subject matter may be modified only with the consent of the interested parties.

*"Second variant:* In case of revision of the Covenant, non-consenting states shall be able to denounce the Covenant.

*"New par. 3:* Disputes relative to the application of the preceding paragraph shall be judged by the Permanent Court of International Justice sitting in plenary session."

neither a qualified majority nor unanimity is needed for the decision of the Assembly, which is to be submitted to the ratification of individual states. Moreover, it is not necessary to suppose that the ratification of a state is prejudged by the vote given in its behalf in the Assembly. What determines the adoption of a revision and the exercise of the right of withdrawal is either ratification or a refusal of ratification. Withdrawal, following a refusal of ratification, must be signified as soon as possible and may not take place later at any time whatever. Refusal to ratify does not of itself signify that a state has the intention of withdrawing; it is to be regarded only as a final attitude adopted by a state in the course of the vote on the revision. Only after this has been finally accepted, in conformity with Article 26, the states which do not ratify it may declare whether they intend to yield to the majority or whether they prefer to withdraw from the League of Nations. In our judgment, there is need to apply in this connection the rule which the Swiss Advance Project expressly formulates and according to which a state which has not ratified may simply retire.<sup>1</sup>

<sup>1</sup> Commentary, pages 145-147.

# Present Membership of the League of Nations

Argentine Republic

Australia

Belgium

Bolivia

Brazil

British Empire

Canada

Chile

China

Colombia

Cuba

Czecho-Slovakia

Denmark

France

Greece

Guatemala

Haiti

Hedjaz

India

Italy

Japan

Liberia

Netherlands

New Zealand

Norway

Panama

Paraguay

Peru

Persia

Poland

Portugal

Rumania

Salvador

Serbia

Siam

South Africa

Spain

Sweden

Switzerland

Uruguay

Venezuela

Ecuador is considering the treaty of peace in the current Congress.

Nicaragua has ratified, but the formalities of depositing the ratification are not yet complete.

Honduras has completed the parliamentary stage of ratification.

The United States is eligible to original membership.

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# LEAGUE *of* NATIONS

Vol. III, No. 4

August, 1920

## **The League Campaign in the Swiss and American Republics**

### **PART II**

## **The United States Senate and The Treaty**

Published Bimonthly by the  
**WORLD PEACE FOUNDATION**

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# World Peace Foundation

Boston, Massachusetts

\*FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force*.—Edwin Ginn.

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\*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

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# THE UNITED STATES SENATE AND THE TREATY

## *A Record of all Votes, Those of the Bitter-Enders Specially Indicated*

The treaty of peace with Germany was transmitted to the Senate by the President on July 10, 1919. From July 14 to September 4 the Committee on Foreign Relations held hearings concerning it and submitted it to reading. It was presented to the Senate on September 4 and the majority report of the committee (S. Rept. 176) was published September 10. A Democratic minority and Senator McCumber alone also made reports from the committee. Amendments reported by a majority of the committee occupied the Senate in Committee of the Whole from October 2 to November 6. Reservations came to vote November 7 and the vote was completed in the Committee of the Whole on November 18. The Senate voted November 19, the reservations voted by a majority failing of the necessary two-thirds for ratification.

For two weeks prior to January 31, 1920, members of both parties negotiated respecting an agreement on reservations.

February 2 the Republican leader, following a similar announcement by the Democratic leader, gave notice that on February 9 he would ask unanimous consent to take up the treaty again. This was done. From that date until March 18 the Senate voted 15 reservations by majority in Committee of the Whole. Proceedings in the Senate began on March 18 and the resolution of ratification with those reservations came to a vote on March 19, when it failed of a two-thirds majority.

A resolution terminating the state of war was immediately introduced into the House of Representatives, from the Committee on Foreign Affairs of which it was reported on April 8 (H. Rept. 801), the Democratic minority also making a report. The resolution was passed April 9, sent to the Senate and referred to the Committee on Foreign Relations. That committee reported it back amended so as to be substantially a new resolution (S. Rept. 568) on April 30, and the Senate passed it in this form on May 15. The House concurred on May 21, and the President vetoed the resolution on May 27. The next day the House of Representatives failed to pass the resolution by the two-thirds majority required to override the veto. The Senate did not again have the resolution before it.



## PROCEEDINGS IN COMMITTEE OF THE WHOLE

## AMENDMENTS

Art. 35: Strike out the words "and Associated" from the phrase "Principal Allied and Associated Powers;" FALL; vote, October 2, 1919, yeas, 30; nays, 58; Bitter-enders, yea.

Eliminating the United States from commissions under the treaty, Art. 50, Annex, 17: add "or the United States of America" in last line; FALL; vote, October 2, 1919, yeas, 31; nays, 56; Bitter-enders, yea.

Art. 86: Strike out "and Associated" from the phrase "Principal Allied and Associated Powers;" FALL; vote, October 2, yeas, 28; nays, 53; Bitter-enders, yea.

Art. 88, Annex, Sec. 2: Strike out "the United States of America" and "and Associated;" FALL; vote, October 2, yeas, 31; nays, 46; Bitter-enders, yea.

Arts. 156, 157 and 158: Strike out "Japan" and insert "China;" COMMITTEE; vote, October 16, yeas, 35; nays, 55; Bitter-enders, yea.

Art. 3: Add to par. 4: "*Provided*, That when any member of the League has or possesses self-governing dominions or colonies or parts of empire, which are also members of the League, the United States shall have votes in the Assembly or Council of the League numerically equal to the aggregate vote of such member of the League and its self-governing dominions and colonies and parts of empire in the Council or Assembly of the League;" JOHNSON; vote, October 27, yeas, 38; nays, 40; Bitter-enders, yea.

Art. 15: Insert as next to last paragraph: "*Provided*, that when imperial and federal governments and their self-governing dominions, colonies or states are members of the League, as originally organized or hereafter admitted, the empire or federal government and the dominions, colonies or states, collectively, have one membership, one delegate and one vote in the Council and only three delegates and one vote in the Assembly;" SHIELDS; vote, October 29, yeas, 32; nays, 49; Bitter-enders, yea.

Art. 15: Insert as next to the last paragraph: "Whenever the case referred to the Assembly involves a dispute between one member of the League and another member whose self-governing dominions or colonies or parts of empire are also represented in the Assembly, neither the disputant members nor any of their said dominions, colonies or parts of empire shall have a vote upon any phase of the question;" MOSES; vote, October 29, yeas, 36; nays, 47; Bitter-enders, yea.

Preamble: Add to last line: "we invoke therefore the considerate judgment of mankind and the gracious favor of Almighty God;" SHERMAN; motion to table, October 29, yeas, 57; nays, 27; Bitter-enders, nay.

Art. 3: Add at end amendment on voting; JOHNSON; (text, Congressional Record, p. 8004, October 27, 1919) substantially the same as Mr. Johnson's reservation voted down on November 18, page 173; vote, October 29, yeas, 35; nays, 42; Bitter-enders, yea.

Arts. 156, 157 and 158 (Shantung): Motion to strike out; LODGE; vote, November 4, yeas, 26; nays, 41; Bitter-enders, yea.

Part XIII: To strike out Part XIII; LA FOLLETTE; vote, November 5, yeas, 34; nays, 47; Bitter-enders, yea.

Art. 12: Add to end of first paragraph: [The members of the League . . . agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council] "and not then until an advisory vote of the people shall have been taken;" GORE; vote, November 6, yeas, 16; nays, 67; Bitter-enders, yea.

## RESERVATIONS

### *Preamble*<sup>1</sup>

1 "The reservations and understandings adopted by the Senate are to  
2 be made a part and a condition of the resolution of ratification, which  
3 ratification is not to take effect or bind the United States until the  
4 said reservations and understandings adopted by the Senate have  
5 been accepted by an exchange of notes as a part and a condition of  
6 said resolution of ratification by at least three of the four Principal  
7 Allied and Associated Powers, to wit, Great Britain, France, Italy,  
8 and Japan;" COMMITTEE; November 7, yeas, 48; nays, 40; Bitter-enders, yea.

The following efforts to change the text were made:

Strike out:

"Which ratification is not to take effect," line 2 to end; McCUMBER; vote, November 7, yeas, 40; nays, 48; Bitter-enders, nay.

Strike out the preceding and insert in lieu the following:

"The acceptance of such reservations and understandings by any party to said treaty may be effected by an exchange of notes;" McCUMBER; vote, November 7, yeas, 40; nays, 48; Bitter-enders, nay.

Strike out the words "three of" in line 6 and read: "by at least the four Principal Allied and Associated Powers, to wit, Great Britain, France, Italy and Japan;" BORAH; vote, November 7, yeas, 25; nays, 63; Bitter-enders, yea.

Strike out in lines 5 to 6 and insert so as to read: ". . . notes as a part and a condition of said resolution of ratification, or by participating in any of the proceedings authorized by this said treaty, by at least," etc.; KING; vote, November 7, yeas, 42; nays, 46; Bitter-enders, nay.

<sup>1</sup>Originally, and as voted, the Preamble was Reservation 1. For the sake of clarity, the final numbering has been followed.

*Reservation 1*

1 "The United States so understands and construes Article 1 that in  
 2 case of notice of withdrawal from the League of Nations, as provided  
 3 in said article, the United States shall be the sole judge as to whether  
 4 all its international obligations and all its obligations under the said  
 5 Covenant have been fulfilled, and notice of withdrawal by the United  
 6 States may be given by a concurrent resolution of the Congress of the  
 7 United States;" COMMITTEE; vote, November 8, yeas, 50; nays, 35;  
 Bitter-enders, yea.

The following efforts to change the text were made:

After the word "given" in line 6 insert: "by the President or by";  
 GORE; vote, November 8, yeas, 18; nays, 68; Bitter-enders, yea.

Strike out "concurrent" in line 6, insert "joint"; NELSON; vote,  
 November 8, yeas, 39; nays, 45; Bitter-enders, nay.

Strike out all after the word "fulfilled" in line 5; WALSH of Montana;  
 vote, November 8, yeas, 37; nays, 49; Bitter-enders, nay.

Strike out the words "the United States" in line 3 and substitute "any  
 nation so withdrawing;" KING; vote, November 8, yeas, 32; nays, 52;  
 Bitter-enders, nay.

*Reservation 2*

1 "The United States assumes no obligation to preserve the territorial  
 2 integrity or political independence of any other country or to inter-  
 3 fere in controversies between nations—whether members of the  
 4 League or not—under the provisions of Article 10, or to employ the  
 5 military or naval forces of the United States under any article of the  
 6 treaty for any purpose, unless in any particular case the Congress,  
 7 which, under the Constitution, has the sole power to declare war or  
 8 authorize the employment of the military or naval forces of the  
 9 United States, shall by act or joint resolution so provide;" COM-  
 MITTEE; vote, November 13, yeas, 46; nays, 33; Bitter-enders, yea.

The following efforts to change the text were made:

Substitute the following: "That the suggestions of the Council of the  
 League of Nations as to the means of carrying the obligations of Article 10  
 into effect are only advisory, and that any undertaking under the pro-  
 visions of Article 10, the execution of which may require the use of Ameri-  
 can military or naval forces or economic measures, can under the Consti-  
 tution be carried out only by the action of the Congress, and that the  
 failure of the Congress to adopt the suggestions of the Council of the  
 League or to provide such military or naval forces or economic measures  
 shall not constitute a violation of the treaty;" THOMAS; vote, November  
 10, yeas, 36; nays, 48; Bitter-enders, nay.

Substitute the following: "The United States assumes no obligation, legal or moral, under Article 10 and shall not be bound by any of the terms or conditions of said article;" BORAH; vote, November 10, yeas, 18; nays, 68; Bitter-enders, yea.

Strike out in lines 7 to 9: "or authorize the employment of the military or naval forces of the United States;" WALSH of Montana; vote, November 10, yeas, 38; nays, 45; Bitter-enders, nay.

CLOTURE, point of order, November 13, appeal from decision of the Chair; HITCHCOCK; vote, yeas, 44; nays, 36; Bitter-enders, yea.

Add at end: "and the United States hereby releases all members of the League from any obligation to it under Article 10 and declines to participate in any proceeding of the Council authorized thereby;" WALSH of Montana; vote, November 13, yeas, 4; nays, 68; Bitter-enders, nay.

After the word "obligation" in line 1 insert the following: "beyond the expiration of five years from the ratification of this treaty;" THOMAS; vote, November 13, yeas, 32; nays, 46; Bitter-enders, nay.

Add at end the following: "*Provided*, however, That the United States assumes for the period of five years, with other members of the League, the obligation of said Article 10 as to the following republics, to wit: Poland, Czecho-Slovakia and the Serb-Croat-Slovene State;" WALSH of Montana; vote, November 13, yeas, 32; nays, 44; Bitter-enders, nay.

Add at end the following: "*Provided*, however, That the United States assumes for the period of five years with the other members of the League the obligation of said Article 10 as to the Republic of France in maintaining her sovereignty over Alsace-Lorraine;" MCKELLAR; vote, November 13, yeas, 31; nays, 46; Bitter-enders, nay.

Substitute the following: "That the advice mentioned in Article 10 of the Covenant of the League which the Council may give to the member nations as to the employment of their naval and military forces is merely advice which each member nation is free to accept or reject, according to the conscience and judgment of its then existing Government, and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone under the Constitution of the United States having the power to declare war;" HITCHCOCK; vote, November 13, yeas, 32; nays, 44; Bitter-enders, nay.

Substitute the following: "The United States in assuming the obligation to preserve the territorial integrity or existing political independence of any other country, or to interfere in controversies between nations, whether members of the League or not, under the provisions of Article 10, or to employ the military or naval forces of the United States, does so with the understanding that the advice or recommendation of the Council or Assembly under Articles 10 and 15 is purely advisory and absolutely subject to such judgment and action as the Congress of the United States

may find justified by the facts in any case submitted;" OWEN; vote, November 13, yeas, 33; nays, 44; Bitter-enders, nay.

As an addition: "But, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any Power or combination of Powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other Powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and co-operation with our chief cobelligerents for the defense of civilization;" HITCHCOCK; vote November 13, yeas, 34; nays, 45; Bitter-enders, nay.

CLOTURE: To table appeal from decision of Chair; ASHURST; vote, November 15, yeas, 62; nays, 30; Bitter-enders, nay.

CLOTURE: LODGE; vote, November 15, yeas, 78; nays, 16; Bitter-enders, yeas, but divided.

#### *Reservation 3*

- 1 "No mandate shall be accepted by the United States under Article
- 2 22, par. 1, or any other provision of the treaty of peace with Ger-
- 3 many, except by action of the Congress of the United States;" COM-
- MITTEE; agreed to, November 15, without division; see also Pro-
- ceedings in the Senate, p. 177.

#### *Reservation 4*

- 1 "The United States reserves to itself exclusively the right to de-
- 2 cide what questions are within its domestic jurisdiction and declares
- 3 that all domestic and political questions relating wholly or in part to
- 4 its internal affairs, including immigration, labor, coastwise traffic, the
- 5 tariff, commerce, the suppression of traffic in women and children
- 6 and in opium and other dangerous drugs, and all other domestic
- 7 questions, are solely within the jurisdiction of the United States and
- 8 are not under this treaty to be submitted in any way either to
- 9 arbitration or to the consideration of the Council or of the Assembly
- 10 of the League of Nations, or any agency thereof, or to the decision
- 11 or recommendation of any other Power;" COMMITTEE; vote,
- November 15, yeas, 59; nays, 36; Bitter-enders, yeas.

The following efforts to change the text were made:

Substitute the following: "That no member nation is required to submit to the League, its Council, or its Assembly, for decision, report, or recommendation, any matter which it considers to be in international law a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs;" HITCHCOCK; vote, November 15, yeas, 43; nays, 52; Bitter-enders, nay.



After the word "questions" in line 7, insert the following:  
"and all questions affecting the present boundaries of the United States and its insular or other possessions;" HALE; vote, November 15, yeas, 52; nays, 40; Bitter-enders, yea.

This amendment was subsequently stricken out.

#### *Reservation 5*

1 "The United States will not submit to arbitration or to inquiry by  
2 the Assembly or by the Council of the League of Nations, provided  
3 for in said treaty of peace, any questions which in the judgment of  
4 the United States depend upon or relate to its long-established  
5 policy, commonly known as the Monroe doctrine; said doctrine is  
6 to be interpreted by the United States alone and is hereby declared  
7 to be wholly outside the jurisdiction of said League of Nations and  
8 entirely unaffected by any provision contained in the said treaty of  
9 peace with Germany;" COMMITTEE; vote, November 15, yeas, 55;  
nays, 34; Bitter-enders, yea.

The following efforts to change the text were made:

Substitute the following: "That the national policy of the United States known as the Monroe doctrine, as announced and interpreted by the United States, is not in any way impaired or affected by the Covenant of the League of Nations and is not subject to any decision, report, or inquiry by the Council or Assembly;" HITCHCOCK; vote, November 15, yeas, 43; nays, 51; Bitter-enders, nay.

Substitute the following: "The United States does not bind itself to submit for arbitration or inquiry by the Assembly or the Council any question which in the judgment of the United States, depends upon or involves its long-established policy, commonly known as the Monroe doctrine, and it is preserved unaffected by any provision in the said treaty contained;" PITTMAN; vote, November 15, yeas, 42; nays, 52; Bitter-enders, nay.

#### *Reservation 6*

1 "The United States withholds its assent to Articles 156, 157 and 158,  
2 and reserves full liberty of action with respect to any controversy  
3 which may arise under said articles between the Republic of China  
4 and the Empire of Japan;" COMMITTEE; vote, November 15, yeas,  
53; nays, 41; Bitter-enders, yea.

The following efforts to change the text were made:

Substitute the following: "The United States refrains from entering into any agreement on its part in reference to the matters contained in Articles 156, 157 and 158, and reserves full liberty of action in respect to any controversy which may arise in relation thereto;" McCUMBER; vote, November 15, yeas, 42; nays, 50; Bitter-enders, nay.

Substitute the following: "*Provided*, That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of Articles 156, 157 and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915;" PITTMAN; vote, November 15, yeas, 39; nays, 50; Bitter-enders, nay.

*Reservation 7*

1 "The Congress of the United States will provide by law for the  
2 appointment of the representatives of the United States in the  
3 Assembly and the Council of the League of Nations, and may in its  
4 discretion provide for the participation of the United States in any  
5 commission, committee, tribunal, court, council or conference, or in  
6 the selection of any members thereof and for the appointment of  
7 members of said commissions, committees, tribunals, courts,  
8 councils or conferences, or any other representatives under the  
9 treaty of peace, or in carrying out its provisions, and until such  
10 participation and appointment have been so provided for and the  
11 powers and duties of such representatives have been defined by  
12 law, no person shall represent the United States under either said  
13 League of Nations or the treaty of peace with Germany or be  
14 authorized to perform any act for or on behalf of the United States,  
15 thereunder, and no citizen of the United States shall be selected  
16 or appointed as a member of said commissions, committees, tri-  
17 bunals, courts, councils or conferences except with the approval  
18 of the Senate of the United States;" COMMITTEE; vote, November  
15, yeas, 53; nays, 40; Bitter-enders, yea.

*Reservation 8*

1 "The United States understands that the Reparation Commission  
2 will regulate or interfere with exports from the United States to  
3 Germany, or from Germany to the United States, only when the  
4 United States by act or joint resolution of Congress approves such  
5 regulation or interference;" COMMITTEE; vote, November 15, yeas,  
54; nays, 40; Bitter-enders, yea.

*Reservation 9*

1 "The United States shall not be obligated to contribute to any ex-  
2 penses of the League of Nations, or of the Secretariat, or of any com-  
3 mission, or committee, or conference, or other agency, organized  
4 under the League of Nations or under the treaty or for the purpose

5 of carrying out the treaty provisions, unless and until an appropri-  
6 ation of funds available for such expenses shall have been made by the  
7 Congress of the United States;" COMMITTEE; vote, November 15,  
yeas, 56; nays, 39; Bitter-enders, yea.

*Reservation 10*

1 "If the United States shall at any time adopt any plan for the limita-  
2 tion of armaments proposed by the Council of the League of Nations  
3 under the provisions of Article 8, it reserves the right to increase such  
4 armaments without the consent of the Council whenever the United  
5 States is threatened with invasion or engaged in war;" COMMITTEE;  
vote, November 15, yeas, 56; nays, 39; Bitter-enders, yea.

*Reservation 11*

1 "The United States reserves the right to permit, in its discretion, the  
2 nationals of a covenant-breaking state, as defined in Article 16 of the  
3 Covenant of the League of Nations, residing within the United  
4 States, or in countries other than that violating said Article 16, to  
5 continue their commercial, financial and personal relations with the  
6 nationals of the United States;" COMMITTEE; vote, November  
15, yeas, 53; nays, 41; Bitter-enders, yea.

*Reservation 12*

1 "Nothing in Articles 296, 297, or in any of the annexes thereto, or in  
2 any other article, section or annex of the treaty of peace with Ger-  
3 many, shall, as against citizens of the United States, be taken to  
4 mean any confirmation, ratification or approval of any act otherwise  
5 illegal or in contravention of the rights of citizens of the United  
6 States;" COMMITTEE; vote, November 15, yeas, 52; nays, 41;  
Bitter-enders, yea.

*Additional Reservations*

"The United States declines to accept, as trustee or in her own right,  
any interest in or any responsibility for the government or disposition of  
the overseas possessions of Germany;" COMMITTEE; vote, November 17,  
yeas, 29; nays, 64; Bitter-enders, yea.

"The United States reserves to itself exclusively the right to decide what  
questions affect its honor or its vital interests and declares that such  
questions are not under this treaty to be submitted in any way either to  
arbitration or to the consideration of the Council or of the Assembly of the  
League of Nations or any agency thereof or to the decision or recom-  
mendation of any other power;" COMMITTEE (for Reed); vote, November  
17, yeas, 36; nays, 56; Bitter-enders, yea; see also Proceedings in the  
Senate, p. 177.

*Additional Proposals*

"The protectorate in Great Britain over Egypt is understood to be merely a means through which the nominal suzerainty of Turkey over Egypt shall be transferred to the Egyptian people, and shall not be construed as a recognition by the United States of any sovereign rights over the Egyptian people in Great Britain or as depriving the people of Egypt of any of their rights of self-government and independence;" OWEN; vote, November 17, yeas, 37; nays, 45; Bitter-enders, yea.

"Resolved, That the United States in ratifying the Covenant of the League of Nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms. The United States regards that contract to carry out the principles set forth by the President of the United States on January 8, 1918, and in subsequent addresses, as a world agreement, binding on the great nations which entered into it and that the principles there set forth will be carried out in due time through the mechanism provided in the Covenant, and that Article 23, par. *b*, pledging the members of the League to undertake to secure just treatment of the native inhabitants under their control, involves a pledge to carry out these principles;" OWEN; November 17, rejected without roll call.

*Reservation 13*

1 "The United States withholds its assent to Part XIII (Articles 387  
2 to 427, inclusive), of said treaty unless Congress, by act or joint reso-  
3 lution, shall hereafter make provision for representation in the organ-  
4 ization established by said Part XIII, and in such event the par-  
5 ticipation of the United States will be governed and conditioned by  
6 the provisions of such act or joint resolution;" McCUMBER; vote,  
November 17, yeas, 54; nays, 35; Bitter-enders, yea.

The following proposal immediately preceded the vote on the reservation:

"The United States withholds its assent to Part XIII, comprising Articles 387 to 427, inclusive, of the said treaty of peace, and excepts and reserves the same from the act of ratification, and the United States declines to participate in any way in the said general conference, or to participate in the election of the Governing Body of the International Labor Office constituted by said articles, and declines in any way to contribute or to be bound to contribute to the expenditures of said general conference or International Labor Office;" KING; vote, November 18, yeas, 43; nays, 48; Bitter-enders, yea.

*Additional Proposal*

"The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, any-

thing in the Covenant of the League of Nations and the treaty to the contrary notwithstanding.

"When any member of the League has or possesses self-governing dominions or colonies or parts of empire, which are also members of the League, the United States shall have representatives in the Council and Assembly and in any labor conference or organization under the League or treaty numerically equal to the aggregate number of representatives of such member of the League and its self-governing dominions and colonies and parts of empire in such Council and Assembly of the League and labor conference or organization under the League or treaty; and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the Council and Assembly and in any labor conference or organization under the League or treaty numerically equal to the aggregate vote to which any such member of the League and its self-governing dominions and colonies and parts of empire are entitled.

"Whenever a case referred to the Council or Assembly involves a dispute between the United States and another member of the League whose self-governing dominions or colonies or parts of empire are also represented in the Council or Assembly, or between the United States and any dominion, colony, or part of any other member of the League, neither the disputant members or any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question;" JOHNSON; vote, November 18, yeas, 43; nays, 46; Bitter-enders, yea.

The last paragraph was not voted upon.

#### *Reservation 14*

1 "The United States assumes no obligation to be bound by any  
2 decision, report or finding of the Council or Assembly in which any  
3 member of the League and its self-governing dominions, colonies  
4 or parts of empire in the aggregate have cast more than one vote,  
5 and assumes no obligation to be bound by any decision, report or  
6 finding of the Council or the Assembly arising out of any dispute  
7 between the United States and any member of the League if such  
8 member, or any self-governing dominion, colony, empire or part of  
9 empire united with it politically has voted;" LENROOT; vote,  
November 18, yeas, 55; nays, 38; Bitter-enders, yea.

The following effort to change the text was made:

Add at end: "Unless upon the submission of the matter to the Council or Assembly for decision, report or finding, the United States consents that the said dominions, colonies or parts of empire may each have the right to cast a separate vote upon the said election, decision, report or finding;" McCUMBER; vote, November 18, yeas, 3; nays, 86; Bitter-enders, nay.



*Additional Proposals*

"Inasmuch as the '14 points' so-called, as declared by the President of the United States, were accepted as the basis of peace by all the chief belligerent nations, the sole reservation being the interpretation on the part of Great Britain of the clause relating to the freedom of the seas, the United States reserves the right to interpret the Covenant of the League and the treaty of peace in harmony with the principles laid down by the said '14 points,' and that it does not consider itself bound to any line of conduct, military, or financial, in conflict therewith;" PHELAN; vote, November 18, yeas, 12; nays, 79; Bitter-enders, divided.

"Resolved, That the Senate of the United States unreservedly advises and consents to the ratification of this treaty in so far as it provides for the creation of a status of peace between the United States and Germany.

"Resolved further, That the Senate of the United States advises and consents to the ratification of this treaty, reserving to the United States the fullest and most complete liberty of action in respect to any report, decision, recommendation, action, advice or proposals of the League of Nations or its executive Council or any labor conference provided for in the treaty, and also the sole right to determine its own relations and duties and course of action toward such League or toward any member thereof or toward any other nation in respect to any question, matter or thing that may arise while a member of such League, anything in the covenants or constitution of such League or the treaty of Versailles to the contrary notwithstanding, and also reserves to itself the unconditional right to withdraw from membership in such League and to withdraw from membership in any body, board, commission, committee or organization whatever set up in any part of the treaty for the purpose of aiding its execution or otherwise; effecting by such withdrawal as complete a release of any further obligations or duties under such treaty as if the United States had never been a party thereto. It is also

"Resolved further, That the validity of this ratification depends upon the affirmative act of the Principal Allied Powers named in the treaty of peace with Germany, approving these reservations and certifying said approval to the United States within 60 days after the deposit of the resolution of ratification by the United States;" KNOX; vote, November 18, yeas, 30; nays, 61; Bitter-enders, yea.

"The representative of the United States on the Council of the League of Nations shall not give his consent to any proposal under any provision of the Covenant of the League of Nations which may involve the use of the military or naval forces of the United States until such proposal shall be submitted to the Congress and the Congress shall authorize him to give his consent thereto;" JONES of Washington; vote, November 18, yeas, 34; nays, 50; Bitter-enders, yea.

"No.— Nothing contained in this treaty or Covenant shall be so construed as to require the United States of America to depart from its

traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign state;" GORE; vote, November 18, yeas, 28; nays, 50; Bitter-enders, yea.

Add at end of Reservation 2: "*Provided*, That the United States shall have the privilege of nominating at any time any non-member nation of the world for membership in the League of Nations and the privilege of offering at any time any amendment to the League Covenant, and in case unfavorable action shall be taken by the League, resulting in a failure to elect to membership the nation so nominated or a rejection of the proposed amendment, the United States reserves the right to withdraw immediately without condition or notice;" FRANCE; November 18, rejected without roll call.

Add to reservations: "Except that, in accordance with the principles declared in Article 22, that the tutelage of the peoples which are no longer under the sovereignty of the states which formerly governed them and which are not yet able to stand by themselves should be intrusted to the advanced nations who can best undertake this responsibility, the Principal Allied and Associated Powers shall renounce in favor of the United States all their rights and titles to the colonies and territories in Africa formerly held by Germany and transferred by Germany to said Principal Allied and Associated Powers under Articles 119 to 127, inclusive, and the United States shall act as mandatory of such territories to the end that the inhabitants of these colonies and territories may be civilized, educated and fitted for self-determination, and to the further end that the United States shall closely co-operate with Great Britain, France and Belgium and with such other Powers as have interests in Africa in a permanent, progressive and upbuilding policy for the development of all of the peoples and resources of Africa, and further that the ratification of this treaty by the United States shall be only on condition that the Principal Allied and Associated Powers take such action as is herein provided by the renunciation of such rights and titles to the United States;" FRANCE; vote, November 18, yeas, 3; nays, 71; Bitter-enders, divided.

The following series by LA FOLLETTE, November 18:

"1. That nothing contained in Article 11 of the League Covenant, or any other provision thereof, shall be construed to deny to the people of Ireland, India, Egypt, Korea, or to any other people living under a government which, as to such people, does not derive its powers from the consent of the governed, the right of revolution or the right to alter or abolish such government, and to institute a new government, laying its foundations in such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness;" yeas, 24; nays, 49; Bitter-enders, yea.

"2. The United States hereby gives notice that it will withdraw from the League at the end of one year from the date of the exchange of ratifications of this treaty, unless within that time each member of the

League shall abolish and discontinue the policy of maintaining its army or navy in time of peace by conscription;" yeas, 21; nays, 54; Bitter-enders, yea.

"3. The United States hereby gives notice that it will withdraw from the League at the end of five years from the date of the exchange of ratifications of this treaty, unless within that time each member of the League shall have agreed that in no case will it resort to war except to suppress any insurrection or repel an actual invasion of its territory, until an advisory vote of its people has first been taken on the question of peace or war;" yeas, 13; nays, 58; Bitter-enders, yea.

"4. The United States hereby gives notice that it will withdraw from the League of Nations at the end of any year during a period of five years from the date of the exchange of ratifications of this treaty, unless during each and every year of the five-year period every member of the League now expending in excess of \$50,000,000 for the maintenance of its military forces or in excess of a like sum for the maintenance of its naval establishment, shall fail to reduce such expenditures by a sum equal to one-fifth of the amount, by which the total annual expenditure for the maintenance of military forces or naval establishment, respectively, exceeds the sum of \$50,000,000 for either, to the end that by the close of the period of five years from the date of exchange of ratifications of this treaty no member of the League of Nations shall expend for the maintenance of its military forces or its naval establishment, respectively, an amount in excess of \$50,000,000 per annum; and the United States gives notice that it will withdraw from the League of Nations at the end of any year thereafter whenever any member expends for the maintenance of its military forces, or its naval establishment, respectively, an amount in excess of \$50,000,000 per annum;" yeas, 10; nays, 60; Bitter-enders, divided.

"5. The United States hereby gives notice that it will withdraw from the League of Nations whenever any member or members of the League of Nations shall attempt to acquire the whole or part of the territory of any member or of any nation not a member of the League of Nations against the will and without the full and free consent of the people of such member or of such nation not a member of the League of Nations;" yeas, 19; nays, 51; Bitter-enders, yea.

"6. The United States hereby gives notice that it will withdraw from the League of Nations whenever any member, exercising a mandate or a protectorate over any country, or claiming and exercising a sphere of influence in or over any country, shall, without the free and full consent of the people of such country, appropriate the natural resources thereof, or shall, directly or indirectly, aid any individual or corporation alien to such country to acquire any right or title to, or any concession in its natural resources, or right or title to its property, real or personal, or shall fail or neglect, within such authority or influence as it may properly exercise, to preserve in trust for the people of such country all right and title to and in its natural resources and real and personal property, or shall fail to exercise such mandate, protectorate or sphere of influence over such country

for the sole benefit of the people thereof;" yeas, 23; nays, 51; Bitter-enders, yea.

"The provision of Article 11 shall in no respect abridge the rights of free speech, the liberty of the press, and the advocacy of the principles of national independence and self-determination of any people or peoples; and no circumstance directly related to the enjoyment of any of the aforesaid rights shall be construed as providing any member of the League with cause to declare that the exercise of such aforesaid rights as heretofore construed under the provisions of the Constitution of the United States warrants the Assembly or Council in determining what course of action, legal measures of control, or regulation shall be enforced or prescribed by the United States;" WALSH of Massachusetts; vote, November 18, yeas, 36; nays, 42; Bitter-enders, yea.

### PROCEEDINGS IN THE SENATE

To amend Preamble to read: "The reservations and understandings adopted by the Senate are to be made a part and a condition of the resolution of ratification;" HITCHCOCK; vote, November 18, yeas, 36; nays, 45; Bitter-enders, nay.

Reservation 3 (text, ante, p. 168); vote, November 18, yeas, 52; nays, 31; Bitter-enders, yea.

Reed reservation (text, ante, p. 171); vote, November 18, yeas, 33; nays, 50; Bitter-enders, yea.

Owen reservation on the protectorate in Great Britain over Egypt (text, ante, p. 172); vote, November 18, yeas, 31; nays, 46; Bitter-enders, yea.

### RESOLUTION OF RATIFICATION

*Resolved* (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four Principal Allied and Associated Powers, to wit, Great Britain, France, Italy and Japan:

1. The United States so understands and construes Article 1 that in case of notice of withdrawal from the League of Nations,



as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said Covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the League or not—under the provisions of Article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under Article 22, par. 1, or any other provision of the treaty of peace with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the Council or of the Assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other Power.

5. The United States will not submit to arbitration or to inquiry by the Assembly or by the Council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine is to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said



League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to Articles 156, 157 and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

7. The Congress of the United States will provide by law for the appointment of the representatives of the United States in the Assembly and the Council of the League of Nations, and may in its discretion provide for the participation of the United States in any commission, committee, tribunal, court, council or conference, or in the selection of any members thereof and for the appointment of members of said commissions, committees, tribunals, courts, councils or conferences, or any other representatives under the treaty of peace, or in carrying out its provisions, and until such participation and appointment have been so provided for and the powers and duties of such representatives have been defined by law, no person shall represent the United States under either said League of Nations or the treaty of peace with Germany or be authorized to perform any act for or on behalf of the United States thereunder, and no citizen of the United States shall be selected or appointed as a member of said commissions, committees, tribunals, courts, councils or conferences except with the approval of the Senate of the United States.

8. The United States understands that the Reparation Commission will regulate or interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the Secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States.

10. If the United States shall at any time adopt any plan for the limitation of armaments proposed by the Council of the

League of Nations under the provisions of Article 8, it reserves the right to increase such armaments without the consent of the Council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking state, as defined in Article 16 of the Covenant of the League of Nations, residing within the United States, or in countries other than that violating said Article 16, to continue their commercial, financial and personal relations with the nationals of the United States.

12. Nothing in Articles 296, 297, or in any of the annexes thereto, or in any other article, section or annex of the treaty of peace with Germany, shall, as against citizens of the United States, be taken to mean any confirmation, ratification or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (Articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States will be governed and conditioned by the provisions of such act or joint resolution.

14. The United States assumes no obligation to be bound by any election, decision, report or finding of the Council or Assembly in which any member of the League and its self-governing dominions, colonies or parts of empire in the aggregate have cast more than one vote, and assumes no obligation to be bound by any decision, report or finding of the Council or the Assembly arising out of any dispute between the United States and any member of the League if such member, or any self-governing dominion, colony, empire or part of empire united with it politically has voted.

**RESOLUTION OF RATIFICATION**, being the preamble and the 14 reservations passing the Committee of the Whole, two-thirds vote required; vote, November 19, yeas, 39; nays, 55; Bitter-enders, nay.

**MOTION TO RECONSIDER; REED**; vote, November 19, yeas, 63; nays, 30; Bitter-enders, nay.

Motion to adjourn; **HITCHCOCK**; vote, November 19, yeas, 42; nays, 51; Bitter-enders, nay.

Chair rules: "That the vote whereby the rejection of the resolution of ratification was ordered puts the treaty back into the Committee of the Whole;" vote on decision of the CHAIR, yeas, 42; nays, 51; Bitter-enders, nay.

Chair rules "That other amendments may be offered, or rather a resolution of ratification may be offered if the majority of the Senate so wants to proceed;"—point of order, POINDEXTER: "No amendments are in order under the express and explicit provisions of" Rule XXXVII; overruled by CHAIR; appeal from ruling, LODGE; vote, yeas, 43; nays, 50; Bitter-enders, nay.

Same appeal sustained; same vote.

"That the treaty, the resolution of ratification, and the reservations heretofore presented to the Senate be referred to a committee of conciliation composed of six Senators to be appointed by the President of the Senate, among whom shall be the leader of the majority, the Senator from Massachusetts (Mr. Lodge), who shall be chairman of the committee, and the leader of the minority, the Senator from Nebraska (Mr. Hitchcock), and that said committee be instructed to prepare and report to the Senate such a resolution of ratification and reservations as in their judgment will meet the approval of not less than two-thirds of the Senate;" POMERENE; motion to table, LA FOLLETTE; vote on tabling, yeas, 48; nays, 42; Bitter-enders, yea.

"That the treaty be referred to the Committee of the Whole with instructions to report it back to the Senate with the following reservations:

"That any member nation proposing to withdraw from the League on two years' notice is the sole judge as to whether its obligations referred to in Article 1 of the League of Nations have been performed as required in said article.

The substitute proposed to Reservation 4 by Mr. Hitchcock on November 15, p. 168.

The substitute proposed to Reservation 5 by Mr. Hitchcock on November 15, p. 169.

The substitute proposed to Reservation 2 by Mr. Hitchcock on November 13, p. 167.

"That in case of a dispute between members of the League if one of them have self-governing colonies, dominions, or parts which have representation in the Assembly, each and all are to be considered parties to the dispute, and the same shall be the rule if one of the parties to the dispute is a self-governing colony, dominion, or part, in which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole, shall be considered parties to the dispute, and each and all shall be disqualified from having their votes counted in case of any inquiry on said dispute made by the Assembly."

HITCHCOCK; vote, yeas, 41; nays, 50; Bitter-enders, nay.

Motion to adjourn; SMITH of Georgia; vote, yeas, 42; nays, 48; Bitter-enders, nay.

**SECOND VOTE ON COMMITTEE RESERVATIONS;** vote, yeas, 41; nays, 51; Bitter-enders, nay.

1 "RESOLVED (two-thirds of the Senators present concurring  
2 therein), That the Senate do advise and consent for the ratifi-  
3 cation of the Treaty of Peace with Germany concluded at  
4 Versailles on the 28th day of June, 1919;" **UNDERWOOD;** vote,  
yeas, 38; nays, 53; Bitter-enders, nay.

**MOTION TO RECONSIDER;** **LODGE;** and pending that motion to lay the motion to reconsider on the table; **LODGE;** vote, yeas, 48; nays, 42; Bitter-enders, yea.

## COMPROMISE RESERVATIONS

### PROCEEDINGS IN COMMITTEE OF THE WHOLE

#### *Reservation 1*

1 "The United States so understands and construes Article 1 that in  
2 case of notice of withdrawal from the League of Nations, as provided  
3 in said article, the United States shall be the sole judge as to whether  
4 all its international obligations under the said Covenant have been  
5 fulfilled, and notice of withdrawal by the United States may be given  
6 by a concurrent resolution of the Congress of the United States;"

**COMMITTEE;** vote, February 21, 1920, yeas, 45; nays, 20; Bitter-enders, yea.

The following efforts to change the text were made:

Strike out "concurrent," in line 6 and insert "joint"; **HITCHCOCK;** vote, February 21, yeas, 26; nays, 38; Bitter-enders, nay (several not voting).

Change lines 5 to 6 to read: "and notice of withdrawal by the United States may be given by the President or by Congress alone whenever a majority of both houses may deem it necessary;" **LODGE;** vote, February 21, yeas, 32; nays, 33; Bitter-enders, nay.

#### *Reservation 3*

1 "No mandate shall be accepted by the United States under Article  
2 22, par. 1, or any other provision of the treaty of peace with Germany,  
3 except by action of the Congress of the United States;" **COMMITTEE;**  
vote, February 26, yeas, 68; nays, 4; Bitter-enders, yea.

#### *Reservation 4*

1 "The United States reserves to itself exclusively the right to decide  
2 what questions are within its domestic jurisdiction and declares that

3 all domestic and political questions relating wholly or in part to its  
 4 internal affairs, including immigration, labor, coastwise traffic, the  
 5 tariff, commerce, the suppression of traffic in women and children and  
 6 in opium and other dangerous drugs, and all other domestic questions,  
 7 are solely within the jurisdiction of the United States, and are not  
 8 under this treaty to be submitted in any way either to arbitration or  
 9 to the consideration of the Council or of the Assembly of the League  
 10 of Nations, or any agency thereof, or to the decision or recommenda-  
 11 tion of any other power;" COMMITTEE; vote, March 2, yeas, 56; nays,  
 25; Bitter-enders, yea.

The following efforts to change the text were made:

Strike out the word "commerce" in line 5; FLETCHER; vote, March 2, yeas, 34; nays, 44; Bitter-enders, nay.

"That the United States is not required, and hereby declines to submit to the League, its Council or Assembly, for decision, report, or recommendation, any matter which it considers to be a domestic question, such as immigration, labor, tariff, or other matter relating to its internal or coastwise affairs;" HITCHCOCK; vote, March 2, yeas, 36; nays, 44; Bitter-enders, nay.

A substitute by Mr. King was rejected without division.

#### *Reservation 5*

1 "The United States will not submit to arbitration or to inquiry by  
 2 the Assembly or by the Council of the League of Nations, provided  
 3 for in said treaty of peace, any questions which in the judgment of  
 4 the United States depend upon or relate to its long-established  
 5 policy, commonly known as the Monroe doctrine; said doctrine to  
 6 be interpreted by the United States alone and is hereby declared  
 7 to be wholly outside the jurisdiction of said League of Nations and  
 8 entirely unaffected by any provision contained in the said treaty of  
 9 peace with Germany;" COMMITTEE; vote, March 2, yeas, 58; nays,  
 22; Bitter-enders, yea.

Substitute: "That the national policy of the United States known as the Monroe doctrine as announced and interpreted by the United States is not in any way impaired or affected by the Covenant of the League of Nations and is not subject to any decision, report, or inquiry by the Council or Assembly;" HITCHCOCK; vote, March 2, yeas, 34; nays, 43; Bitter-enders, nay.

#### *Reservation 6*

Strike out the words "between the Republic of China and the Empire of Japan" at end; LODGE; vote, March 4, yeas, 69; nay, 2; Bitter-enders, yea.



1 "The United States withholds its assent to Articles 156, 157 and 158,  
2 and reserves full liberty of action with respect to any controversy  
3 which may arise under said articles;" COMMITTEE; vote, March 4,  
yeas, 48; nays, 21; Bitter-enders, nay.

Substitute: "That in advising and consenting to the ratification of said treaty, the United States does so with the understanding that the sovereign rights and interests renounced by Germany in favor of Japan under the provisions of Articles 156, 157 and 158 of said treaty, or now exercised by Japan pass to China at the termination of the present war by the ratification of this treaty;" HITCHCOCK; vote, March 4, yeas, 27; nays, 41; Bitter-enders, nay.

#### *Reservation 7*

Substitute: "No person is or shall be authorized to represent the United States nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties;" WALSH of Montana; vote, March 4, yeas, 37; nays, 32; Bitter-enders, nay.

The CHAIR accepts the view that when an amendment is adopted in the form of a substitute there must be a vote on the question as amended by the substitute.

1 "No person is or shall be authorized to represent the United States,  
2 nor shall any citizen of the United States be eligible as a member of  
3 any body or agency established or authorized by said treaty of peace  
4 with Germany, except pursuant to an act of the Congress of the  
5 United States providing for his appointment and defining his powers  
6 and duties;" COMMITTEE, AS AMENDED; vote, March 4, yeas, 55;  
nays, 14; Bitter-enders, nay.

#### *Reservation 8*

1 "The United States understands that the Reparation Commission  
2 will regulate or interfere with exports from the United States to Ger-  
3 many, and from Germany to the United States, only when the United  
4 States by act or joint resolution of Congress approves such regulation  
5 or interference;" COMMITTEE; vote, March 5, yeas, 41; nays, 22;  
Bitter-enders, yea.

Substitute: "The United States understands that the Reparation Commission will in its control over German economic resources in no respect so exert its powers as to discriminate against the commerce of the United States with Germany;" HITCHCOCK; vote, March 5, yeas, 23; nays, 37; Bitter-enders, nay.

*Reservation 9*

Add at end: "*Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expenses of the office force and salary of the Secretary General;" KELLOGG; vote, March 6, yeas, 55; nays, 12; Bitter-enders, nay.

1 "The United States shall not be obligated to contribute to any  
2 expenses of the League of Nations, or of the Secretariat, or of any  
3 commission, or committee, or conference, or other agency, organized  
4 under the League of Nations or under the treaty or for the purpose  
5 of carrying out the treaty provisions, unless and until an appropria-  
6 tion of funds available for such expenses shall have been made by  
7 the Congress of the United States: *Provided*, That the foregoing  
8 limitation shall not apply to the United States' proportionate share  
9 of the expenses of the office force and salary of the Secretary Gen-  
10 eral;" COMMITTEE; vote, March 6, yeas, 46; nays, 25; Bitter-  
end-ers, yea.

*Reservation 10*

"If the United States shall at any time adopt any plan for the limitation of armaments proposed by the Council of the League of Nations under the provisions of Article 8, it reserves the right to increase such armaments without the consent of the Council whenever the United States is threatened with invasion or engaged in war;" COMMITTEE.

1 "No plan for the limitation of armaments proposed by the Council  
2 of the League of Nations under the provisions of Article 8 shall be  
3 held as binding the United States until the same shall have been  
4 accepted by Congress, and the United States reserves the right to  
5 increase its armament without the consent of the Council whenever  
6 the United States is threatened with invasion or engaged in war;"

NEW; vote, March 8, yeas, 49; nays, 27; Bitter-enders, yea.

Motion by Mr. HENDERSON to reconsider vote just taken.

Motion by Mr. LODGE to lay Mr. Henderson's motion on the table; yeas, 45; nays, 32; Bitter-enders, yea.

COMMITTEE reservation as amended; vote, March 8, yeas, 49; nays, 26; Bitter-enders, yea.

*Reservation 11*

1 "The United States reserves the right to permit, in its discretion, the  
2 nationals of a covenant-breaking state, as defined in Article 16 of the  
3 Covenant of the League of Nations, residing within the United States  
4 or in countries other than such covenant-breaking state, to continue  
5 their commercial, financial, and personal relations with the nationals  
6 of the United States;" COMMITTEE; vote, March 8, yeas, 44; nays,  
28; Bitter-enders, yea.

*Reservation 12*

1 "Nothing in Articles 296, 297, or in any of the annexes thereto or in  
2 any other article, section, or annex of the treaty of peace with Ger-  
3 many shall, as against citizens of the United States, be taken to mean  
4 any confirmation, ratification, or approval of any act otherwise  
5 illegal or in contravention of the rights of citizens of the United  
6 States;" COMMITTEE; vote, March 8, yeas, 45; nays, 27; Bitter-  
enders, yea.

*Reservation 13*

1 "The United States withholds its assent to Part XIII (Articles 387  
2 to 427, inclusive) unless Congress by act or joint resolution shall here-  
3 after make provision for representation in the organization estab-  
4 lished by said Part XIII, and in such event the participation of the  
5 United States will be governed and conditioned by the provisions of  
6 such act or joint resolution;" COMMITTEE; vote, March 8, yeas, 44;  
nays, 27; Bitter-enders, yea.

*Reservation 14*

1 "Until Part I, being the Covenant of the League of Nations, shall be  
2 so amended as to provide that the United States shall be entitled to  
3 cast a number of votes equal to that which any member of the  
4 League and its self-governing dominions, colonies, or parts of  
5 empire, in the aggregate shall be entitled to cast, the United States  
6 assumes no obligation to be bound, except in cases where Congress  
7 has previously given its consent, by any election, decision, report,  
8 or finding of the Council or Assembly in which any member of the  
9 League and its self-governing dominions, colonies or parts of empire,  
10 in the aggregate have cast more than one vote.

11 "The United States assumes no obligation to be bound by any  
12 decision, report, or finding of the Council or Assembly arising out of  
13 any dispute between the United States and any member of the  
14 League if such member, or any self-governing dominion, colony,  
15 empire, or part of empire united with it politically has voted;"

COMMITTEE, AS AMENDED; vote, March 9, yeas, 57; nays, 20; Bitter-  
enders, yea.

Add at beginning; lines 1-5: "Until Part I, being the Covenant of the  
League of Nations, shall be so amended as to provide that the United  
States shall be entitled to cast a number of votes equal to that which any  
member of the League and its self-governing dominions, colonies, or parts  
of empire, in the aggregate, shall be entitled to cast, the," etc.; LODGE;  
vote, March 9, yeas, 39; nays, 28; Bitter-enders, yea.

Change lines 5 to 7 to read: "the United States assumes no obligation to be bound, except in cases in which its consent has previously been given," etc.; WALSH of Montana; vote, March 9, yeas, 33; nays, 45; Bitter-enders, nay.

Amend in lines 6 to 7 to read: "bound, except in cases where Congress has previously given its consent," etc.; LODGE; vote, March 9, yeas, 55; nays, 22; Bitter-enders, yea.

Divide the reservation into two paragraphs so that the second begins "The United States assumes no obligation to be bound," etc., at line 11; LODGE; agreed to without division.

"Unless within one year after the filing of the act of ratification, Part I, being the Covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any member of the League and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States shall cease to be a member of the League of Nations;" McCORMICK; vote, March 9, yeas, 19; nays, 57; Bitter-enders, yea.

Substitute: "The Senate of the United States advises and consents to the ratification of said treaty with the following reservations and conditions, anything in the Covenant of the League of Nations and the treaty to the contrary notwithstanding:

"When any member of the League has or possesses self-governing dominions or colonies, or parts of empire which are also members of the League the United States shall have representatives in the Council and Assembly and in any labor conference or organization under the League or treaty numerically equal to the aggregate number of representatives of such member of the League and its self-governing dominions and colonies and parts of empire in such Council and Assembly of the League and labor conference or organization under the League or treaty; and such representatives of the United States shall have the same powers and rights as the representatives of said member and its self-governing dominions or colonies or parts of empire; and upon all matters whatsoever, except where a party to a dispute, the United States shall have votes in the Council and Assembly and in any labor conference or organization under the League or treaty numerically equal to the aggregate vote to which any such member of the League and its self-governing dominions and colonies and parts of empire are entitled.

"Whenever a case referred to the Council or Assembly involves a dispute between the United States and another member of the League whose self-governing dominions or colonies or parts of empire are also represented in the Council or Assembly, or between the United States and any dominion, colony, or part of any other member of the League, neither the disputant members nor any of their said dominions, colonies or parts of empire shall have a vote upon any phase of the question.

"Whenever the United States is a party to a dispute which is referred



to the Council or Assembly, and can not, because a party, vote upon such dispute, any other member of the Council or Assembly having self-governing dominions or colonies or parts of empire also members, voting upon such dispute to which the United States is a party or upon any phase of the question shall have and cast for itself and its self-governing dominions and colonies and parts of empire, all together, but one vote;" PHELAN; vote, March 9, yeas, 4; nays, 73; Bitter-enders, divided.

Substitute: "That in case of a dispute between members of the League, if one of them have self-governing colonies, dominions, or parts which have representation in the Assembly, each and all are to be considered parties to the dispute, and the same shall be the rule if one of the parties to the dispute is a self-governing colony, dominion, or part, in which case all other self-governing colonies, dominions, or parts, as well as the nation as a whole shall be considered parties to the dispute, and each and all shall be disqualified from having their votes counted in case of any inquiry on said dispute made by the Assembly;" HITCHCOCK; vote, March 9, yeas, 34; nays, 41; Bitter-enders, nay.

### *Reservation 2*

"The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the League or not, under the provisions of Article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide;" COMMITTEE.

Substitute: "The United States assumes no obligation to preserve the territorial integrity or political independence of any other country.

"The United States assumes no obligation to interfere in controversies between nations or to employ its military or naval forces or its resources for any purpose under any article of the treaty;" FRELINGHUYSEN; vote, March 15, yeas, 17; nays, 50; Bitter-enders, yea.

Substitute: "The United States assumes no obligation to employ its military or naval forces or the economic boycott to preserve the territorial integrity or political independence of any other country under the provisions of Article 10, or to employ the military or naval forces of the United States under any other article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war, shall, by act or joint resolution, so provide. Nothing herein shall be deemed to impair the obligation in Article 16 concerning the economic boycott;" KIRBY; vote, March 15, yeas, 31; nays, 45; Bitter-enders, nay.



Substitute: "The United States declines to assume any legal or binding obligation to preserve the territorial integrity or political independence of any other country under the provisions of Article 10 or to employ the military or naval forces of the United States under any article of the treaty for any purpose; but the Congress, which under the Constitution has the sole power in the premises, will consider and decide what moral obligation, if any, under the circumstances of any particular case, when it arises, should move the United States in the interest of world peace and justice to take action therein and will provide accordingly;" KIRBY; vote, March 15, yeas, 30; nays, 46; Bitter-enders, nay.

Substitute: "The United States understands that by Article 10 the United States undertakes separately to respect the territorial integrity and existing political independence of each other member of the League, but that Article 10 does not impose upon the United States the separate, sole, and singular duty to preserve the territorial integrity and existing political independence of every member of the League as against the external aggression of the other Powers; but only that in case of such aggression or threat of the same, the Council will advise upon the means for preserving the territorial integrity and existing political independence of the member against which such aggression is exerted, and will recommend to members of the League the measures which it may deem proper and necessary to protect the covenants of the League and that the United States may consider such recommendations and take such action as Congress may in its discretion deem appropriate in such case;" KING; March 15, rejected without division.

Substitute: "The United States agrees to use its friendly offices, when requested so to do under the provisions of Article 10, in assisting to procure a just and peaceful settlement of territorial or political controversies between nations, or to protect any member of the League from external aggression; but it does not assume any obligation to use its military or naval forces, or its financial or economic resources for the purpose of intervention in the controversies or conflicts between nations or to protect the territorial integrity or political independence of any nation under the provisions of Article 10, unless in any particular case the Congress, in the exercise of full liberty of action and in the light of full information as to the national justice and human rights involved, shall by act or joint resolution so provide. Nothing herein shall be deemed to impair the obligations of the United States under Article 16;" SIMMONS; vote, March 15, yeas, 27; nays, 51; Bitter-enders, nay.

The following attempts to amend the Simmons substitute were made before the vote thereon:

Read: "Article 10 or any other article of the treaty;" SHIELDS; vote, March 15, yeas, 22; nays, 55; Bitter-enders, yea.

Substitute: "The United States agrees to use its friendly offices, when requested so to do, under the provisions of Article 10, in assist-

ing to procure a just and peaceful settlement of territorial or political controversies between nations, or to protect any member of the League from external aggression; but it does not assume any obligation to use its military or naval forces or its financial or economic resources for the purpose of intervention in the controversies or conflicts between nations, or to protect the territorial integrity or political independence of any nation under the provisions of Article 10, unless in any particular case the Congress, in the exercise of full liberty of action, and in the light of full information as to the national justice and human right involved, shall by act or joint resolution so provide;" REED; vote, March 15, yeas, 18; nays, 60; Bitter-enders, yeas.

Substitute: "The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, whether members of the League or not, under the provisions of Article 10, or to employ the military or naval forces of the United States under any article of the treaty for any purpose unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide;" LODGE; vote, March 15, yeas, 56; nays, 24; Bitter-enders, yeas.

The following attempts to amend the Lodge substitute were made before the vote thereon:

Strike out in lines 5 to 6, the words "including all controversies relating to the territorial integrity or political independence;" WALSH of Montana; vote, March 15, yeas, 35; nays, 45; Bitter-enders, nay.

Add to the proposed substitute: "Any act or threat of external aggression involving the territorial integrity or political independence of any nation, whether a member of the League or not, in the judgment of the United States, menaces or threatens the peace of the world, will be a matter of grave concern to the United States, and assurance is hereby given that the United States will seek to co-operate, entirely within the powers conferred by the Constitution, with the other members of the League to the end that such menace or threat to the peace of the world is removed;" WALSH of Montana; vote, March 15, yeas, 34; nays, 44; Bitter-enders, nay.

Substitute: "That the advice mentioned in Article 10 of the Covenant of the League which the Council may give to the member nations as to the employment of their naval and military forces is merely advice, which each member nation is free to accept or reject according to the conscience and judgment of its then existing government; and in the United States this advice can only be accepted by action of the Congress at the time in being, Congress alone, under the Con-

stitution of the United States, having the power to declare war;" KING; vote, March 15, yeas, 31; nays, 47; Bitter-enders, nay.

Substitute: "It is understood that the United States does not in any sense or particular abandon or modify its doctrine that an obligation rests upon every advanced nation which has colonies, protectorates or dependencies to hold all such in wardship only as a trust and to adopt adequate measures for the elevation, education, training, and preparation as equals in the society of nations, and it is further understood that under no circumstances will the United States interfere to preserve the territorial integrity of any imperial country in any controversy growing out of the ambitions of a subject nation or colony to gain its independence, and it is further understood that the loaning by any external power of financial assistance to such subject nation or colony seeking its independence shall not be considered as an act of external aggression, for the United States looks forward to the time when all of the ancient nations, such as Ireland, India, and Egypt, may attain that liberation and right of self-determination which they may desire;" FRANCE; March 15, rejected without division.

1 "The United States assumes no obligation to preserve the territorial  
2 integrity or political independence of any other country by the em-  
3 ployment of its military or naval forces, its resources, or any form of  
4 economic discrimination, or to interfere in any way in controversies  
5 between nations, including all controversies relating to territorial  
6 integrity or political independence, whether members of the League  
7 or not under the provisi us of Article 10 or to employ the military  
8 or naval forces of the United States under any article of the treaty  
9 for any purpose, unless in any particular case the Congress which  
10 under the Constitution has the sole power to declare war or authorize  
11 the employment of the military or naval forces of the United States  
12 shall in the exercise of full liberty of action by act or joint resolution  
13 so provide;" COMMITTEE, AS AMENDED BY THE SUBSTITUTE; vote,  
March 15, yeas, 56; nays, 26; Bitter-enders, yea.

### *Additional Proposals*

"The United States understands the protectorate referred to in section 6 (*sic*) of the treaty to have been merely a war measure to preserve the integrity and independence of Egypt during the war. The United States further understands that in fulfilment and execution of the great principle of self-determination of peoples and equality of all Governments pervading and underlying the Covenant of the League of Nations, at the close of the present war with Germany it will recognize the political independence of Porto Rico, the Philippine Islands, and the Virgin Islands, and also the territory of Hawaii: *Provided*, That a major-

ity of the residents of said territory over the age of 21 years votes for such independence. And the United States further understands that in fulfilment of said principle Great Britain and Japan, respectively, will forthwith recognize the existence and political independence of the republic of Ireland and the ancient kingdom of Korea, and agree that they become members of the League of Nations with equal representation accorded to other sovereign and independent Governments;" KING; motion to lay on table; KELLOGG; vote, March 17, yeas, 54; nays, 21; Bitter-enders, nay.

"The United States construes Part I of the treaty of peace with Germany, known as the Covenant of the League of Nations, to the effect that such territorial readjustments, if any, as may in the future become necessary by reason of changes in present racial conditions and aspirations, or present social and political relationship, pursuant to the principle of self-determination, and also such territorial readjustments as may, in the judgment of three-fourths of the Council or Assembly, be demanded by the welfare and manifest interest of the people concerned may be effected if agreeable to those peoples. The high contracting powers accept without reservation the principle that the peace of the world is superior in importance to every question of political jurisdiction or boundary;" REED; motion to lay on the table; LENROOT; vote, March 17, yeas, 46; nays, 21; Bitter-enders, nay.

"The United States withholds its assent to Article 147 of the treaty in so far as recognition of the said protectorate is extended beyond the going into force of this treaty;" NORRIS; vote, March 17, yeas, 15; nays, 51; Bitter-enders, yea.

"That the United States in ratifying the Covenant of the League of Nations does not intend to be understood as modifying in any degree the obligations entered into by the United States and the Entente Allies in the agreement of November 5, 1918, upon which as a basis the German Empire laid down its arms;" OWEN; vote, March 17, yeas, 12; nays, 55; Bitter-enders, divided.

"It shall be the declared policy of this Government that, the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern and will consider what, if any, action it will take in the premises;" LENROOT; vote, March 17, yeas, 25; nays, 39; Bitter-enders, nay.

"The United States reserves to itself exclusively the right to decide what questions affect its national honor or its vital interests and declares that such questions are not under this treaty to be submitted in any way either to arbitration or to the consideration of the Council or of the Assembly of the League of Nations or any agency thereof or to the decision or recommendation of any other power;" REED; vote, March 18, yeas, 27; nays, 48; Bitter-enders, yea.



Subsequently, a second vote resulted in yeas, 16; nays, 57; Bitter-enders, yea.

"The United States assumes no obligation to employ its military or naval forces or resources or any form of economic discrimination under any article of the treaty;" REED; vote, March 18, yeas, 17; nays, 52; Bitter-enders, yea.

### *Reservation 15*

"In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when self-government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations;" GERRY.

The following efforts to change the text were made:

Add at end the following: "And the United States, also adhering to the principle of self-determination, declares its sympathy with the grievances and aspirations of the people of Korea for the restoration of their ancient kingdom and its emancipation from the tyranny of Japan, and it further declares that when so consummated it should be promptly admitted as a member of the League of Nations;" THOMAS; motion to lay Mr. Thomas's amendment on the table; GERRY; vote, March 18, yeas, 34; nays, 34; Bitter-enders, nay; motion lost.

Mr. Thomas's amendment; vote, March 18, yeas, 34; nays, 46; Bitter-enders, yea.

Motion to lay Mr. Gerry's proposed reservation on the table; KELLOGG; vote, March 18, yeas, 28; nays, 51; Bitter-enders, nay.

Strike out the words "the principle of self-determination and," so that it will read: "In consenting to the ratification of the treaty with Germany, the United States adheres to the resolution of sympathy with the aspirations of the Irish people, etc.;" LONGE; vote, March 18, yeas, 37; nays, 42; Bitter-enders, divided.

Mr. Gerry accepts the following form:

- 1 "In consenting to the ratification of the treaty with Germany the
  - 2 United States adheres to the principle of self-determination and to
  - 3 the resolution of sympathy with the aspirations of the Irish people for
  - 4 a government of their own choice adopted by the Senate June 6, 1919,
  - 5 and declares that when such government is attained by Ireland, a
  - 6 consummation it is hoped is at hand, it should promptly be admitted
  - 7 as a member of the League of Nations;" GERRY; vote, March 18,
- yeas, 38; nays, 36; Bitter-enders, yea.

Before the vote:

After the word "self-determination" in line 2 to insert the words



"as heretofore applied by it;" WADSWORTH; vote, March 18, yeas 36; nays, 42; Bitter-enders, divided.

To make the proposed reservation in line 2 read "self-determination for the people of Ireland;" LODGE; vote, March 18, yeas, 26; nays, 53; Bitter-enders, nay.

### *Additional Proposal*

"The United States understands that no mandatory power shall, without the consent of the Council, enjoy any monopoly, privilege, or preference in respect of the natural resources or the acquisition, development and operation of the same in any territory placed under its control, influence, or mandate; and the United States further understands that no member of the League shall, without the consent of the Council, enjoy any monopoly, privilege, or preference prejudicial to the equal rights and opportunities of any other member in respect of the natural resources, or the acquisition, development, or operation of the same situate in any colony, dependency, or sphere of influence, its title or claim to which shall have been vested or confirmed by the treaty or by virtue of the action or authority of the League itself;" GORE; March 18, rejected without roll call.

## PROCEEDINGS IN THE SENATE

Motion to postpone Reservation 2; HITCHCOCK; March 18.

To amend by eliding Reservation 15; KELLOGG; vote, March 18, yeas, 29; nays, 46; Bitter-enders, nay.

Strike out word "commerce" from Reservation 4, line —; SMITH of Georgia; to lay the amendment on the table; WATSON; vote, March 18, yeas, 40; nays, 33; Bitter-enders, yea.

### *Resolution 15*

Substitute: "In consenting to ratification of the treaty with Germany the United States adheres to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice, adopted by the Senate, June 6, 1919, and declares that when self-government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations;" CALDER; motion to lay the substitute on the table; THOMAS; vote, March 18, yeas, 51; nays, 30; Bitter-enders, yea.

Strike out the words "a consummation it is hoped is at hand," in line 6; STERLING; motion to lay the amendment on the table; MCKELLAR; vote, March 18, yeas, 70; nays, 11; Bitter-enders, yea.

Motion to concur in Reservation 15; vote, March 18, yeas, 45; nays, 38; Bitter-enders, yea.

*Reservation 2*

Substitute previously defeated, March 15; re-offered by Mr. SIMMONS; motion to lay this amendment on the table; LODGE; vote, March 18, yeas, 45; nays, 34; Bitter-enders, yea.

Strike out the words "in any way" in line 4, and insert after "independence" in line 6 the words, "by the employment of its military or naval forces, its resources or any form of economic boycott;" SIMMONS; motion to lay on table; LODGE; vote, March 18, yeas, 44; nays, 35; Bitter-enders, yea.

Substitute for lines 1 to 7: "The United States assumes no obligation to preserve the territorial integrity and political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination under the provisions of Article 10;" SMITH of Georgia; motion to lay the amendment on the table; LODGE; vote, March 18, yeas, 45; nays, 34; Bitter-enders, yea.

Motion to concur in Reservation 2; vote, March 18, yeas, 54; nays, 26; Bitter-enders, yea.

*Resolution of Ratification*

Strike out in the Resolution, at end, the words: "by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four Principal Allied and Associated Powers, to wit, Great Britain, France, Italy and Japan;" and add at end: "as a part and a condition of this resolution of ratification by the Allied and Associated Powers and a failure on the part of the Allied and Associated Powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said Powers;" LODGE; accepted, March 19, without roll call.

Add after the words "United States" in line 7 the words "unless the instrument of ratification shall have been filed within 60 days after the adoption of the resolution of ratification by the Senate, nor;" BRANDEGEE; vote, March 19, yeas, 41; nays, 42; Bitter-enders, yea.

1 "RESOLVED (two-thirds of the Senators present concurring  
2 therein), That the Senate advise and consent to the ratification  
3 of the treaty of peace with Germany concluded at Versailles on the  
4 28th day of June, 1919, subject to the following reservations and  
5 understandings, which are hereby made a part and condition of this  
6 resolution of ratification, which ratification is not to take effect or  
7 bind the United States until the said reservations and understand-  
8 ings adopted by the Senate have been accepted as a part and a con-  
9 dition of this resolution of ratification by the Allied and Associated  
10 Powers;" COMMITTEE; vote, March 19, on the Senate's agreeing to  
the resolution of ratification (two-thirds vote required), yeas, 49;  
nays, 35; Bitter-enders, nay.

## RESOLUTION OF RATIFICATION

*Resolved* (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted as a part and a condition of this resolution of ratification by the Allied and Associated Powers, and a failure on the part of the Allied and Associated Powers to make objection to said reservations and understandings prior to the deposit of ratification by the United States shall be taken as a full and final acceptance of such reservations and understandings by said Powers:

1. The United States so understands and construes Article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations under the said Covenant have been fulfilled, and notice of withdrawal by the United States may be given by a concurrent resolution of the Congress of the United States.

2. The United States assumes no obligation to preserve the territorial integrity or political independence of any other country by the employment of its military or naval forces, its resources, or any form of economic discrimination, or to interfere in any way in controversies between nations, including all controversies relating to territorial integrity or political independence, whether members of the League or not, under the provisions of Article 10, or to employ the military or naval forces of the United States, under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall, in the exercise of full liberty of action, by act or joint resolution so provide.

3. No mandate shall be accepted by the United States under Article 22, par. 1, or any other provision of the treaty of peace

with Germany, except by action of the Congress of the United States.

4. The United States reserves to itself exclusively the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating wholly or in part to its internal affairs, including immigration, labor, coastwise traffic, the tariff, commerce, the suppression of traffic in women and children and in opium and other dangerous drugs, and all other domestic questions, are solely within the jurisdiction of the United States and are not under this treaty to be submitted in any way either to arbitration or to the consideration of the Council or of the Assembly of the League of Nations, or any agency thereof, or to the decision or recommendation of any other Power.

5. The United States will not submit to arbitration or to inquiry by the Assembly or by the Council of the League of Nations, provided for in said treaty of peace, any questions which in the judgment of the United States depend upon or relate to its long-established policy, commonly known as the Monroe doctrine; said doctrine to be interpreted by the United States alone and is hereby declared to be wholly outside the jurisdiction of said League of Nations and entirely unaffected by any provision contained in the said treaty of peace with Germany.

6. The United States withholds its assent to Articles 156, 157 and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

7. No person is or shall be authorized to represent the United States, nor shall any citizen of the United States be eligible, as a member of any body or agency established or authorized by said treaty of peace with Germany, except pursuant to an act of the Congress of the United States providing for his appointment and defining his powers and duties.

8. The United States understands that the Reparation Commission will regulate or interfere with exports from the United States to Germany, and from Germany to the United States, only when the United States by act or joint resolution of Congress approves such regulation or interference.

9. The United States shall not be obligated to contribute to any expenses of the League of Nations, or of the Secretariat, or of any commission, or committee, or conference, or other agency, organized under the League of Nations or under the treaty or for the purpose of carrying out the treaty provisions, unless and until an appropriation of funds available for such expenses shall have been made by the Congress of the United States: *Provided*, That the foregoing limitation shall not apply to the United States' proportionate share of the expenses of the office force and salary of the Secretary General.

10. No plan for the limitation of armaments proposed by the Council of the League of Nations under the provisions of Article 8 shall be held as binding the United States until the same shall have been accepted by Congress, and the United States reserves the right to increase its armament without the consent of the Council whenever the United States is threatened with invasion or engaged in war.

11. The United States reserves the right to permit, in its discretion, the nationals of a covenant-breaking state, as defined in Article 16 of the Covenant of the League of Nations, residing within the United States or in countries other than such covenant-breaking state, to continue their commercial, financial and personal relations with the nationals of the United States.

12. Nothing in Articles 296, 297 or in any of the annexes thereto or in any other article, section, or annex of the treaty of peace with Germany shall, as against citizens of the United States, be taken to mean any confirmation, ratification, or approval of any act otherwise illegal or in contravention of the rights of citizens of the United States.

13. The United States withholds its assent to Part XIII (Articles 387 to 427, inclusive) unless Congress by act or joint resolution shall hereafter make provision for representation in the organization established by said Part XIII, and in such event the participation of the United States shall be governed and conditioned by the provisions of such act or joint resolution.

14. Until Part I, being the Covenant of the League of Nations, shall be so amended as to provide that the United States shall be entitled to cast a number of votes equal to that which any mem-



ber of the League and its self-governing dominions, colonies, or parts of empire, in the aggregate shall be entitled to cast, the United States assumes no obligation to be bound, except in cases where Congress has previously given its consent, by any election, decision, report, or finding of the Council or Assembly in which any member of the League and its self-governing dominions, colonies or parts of empire, in the aggregate have cast more than one vote.

The United States assumes no obligation to be bound by any decision, report or finding of the Council or Assembly arising out of any dispute between the United States and any member of the League if such member, or any self-governing dominion, colony, empire, or part of empire united with it politically has voted.

15. In consenting to the ratification of the treaty with Germany the United States adheres to the principle of self-determination and to the resolution of sympathy with the aspirations of the Irish people for a government of their own choice adopted by the Senate June 6, 1919, and declares that when such government is attained by Ireland, a consummation it is hoped is at hand, it should promptly be admitted as a member of the League of Nations.

**RESOLUTION OF RATIFICATION**, being the resolution and the 15 reservations passing the Committee of the Whole, two-thirds vote required; vote, March 19, yeas, 49; nays, 35; Bitter-enders, nay.

1 “*Resolved*, That the Secretary of the Senate be instructed  
2 to return to the President the treaty of peace with Germany  
3 signed at Versailles on the 28th day of June, 1919, and re-  
4 spectfully inform the President that the Senate has failed to  
5 advise and consent to the ratification of the said treaty, being  
6 unable to obtain the constitutional majority therefor;”

LODGE; vote, March 19, yeas, 47; nays, 37; Bitter-enders, yea.

Motion to reconsider the vote by which the Senate refused to agree to the resolution of ratification; ROBINSON; motion to lay that motion on the table; WATSON; vote, March 19, yeas, 44; nays, 43; Bitter-enders, yea.

## DECLARATION OF PEACE

## HOUSE OF REPRESENTATIVES

April 8, 1920, H. J. Res. 327 reported from Committee on Foreign Affairs by Mr. PORTER, as follows:

House joint resolution No. 327 terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States; permitting on conditions the resumption of reciprocal trade with Germany, and for other purposes.

*Whereas*, the President of the United States, in the performance of his constitutional duty to give to the Congress information of the state of the Union, has advised the Congress that the war with the Imperial German Government has ended:

*Resolved*, etc., That the state of war declared to exist between the Imperial German Government and the United States by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

Sec. 2. That in the interpretation of any provision relating to the date of the termination of the present war or of the present or existing emergency in any acts of Congress joint resolutions, or proclamations of the President containing provisions contingent upon the date of the termination of the war or of the present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any act of Congress or joint resolution providing any other mode of determining the date of the termination of the war, or of the present or existing emergency.

Sec. 3. That with a view to secure reciprocal trade with the German Government and its nationals, and for this purpose, it is hereby provided that unless within 45 days from the date when this resolution becomes effective, the German Government shall duly notify the President of the United States that it has declared a termination of the war with the United States and that it waives and renounces on behalf of itself and its nationals any claim, demand, right, or benefit against the United States or its nationals that it or they would not have had the right to assert had the United States ratified the treaty of Versailles, the President of the United States shall have the power, and it shall be his duty, to proclaim the fact that the German Government has not given the notification hereinbefore mentioned, and thereupon and until the President shall have proclaimed the receipt of such notification commercial intercourse between the United States and Germany and the making of loans or credits and the furnishing of financial assistance or supplies to the German Government or the inhabitants of Germany, directly or indirectly, by the Government or the inhabitants of the United States shall, except with the license of the President, be prohibited.

Sec. 4. That whoever shall wilfully violate the foregoing prohibition whenever the same shall be in force shall upon conviction be fined not more than \$10,000, or, if a natural person, imprisoned for not more than two years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States.

Sec. 5. That nothing herein contained shall be construed as a waiver by the United States of any rights, privileges, indemnities, reparations, or advantages to which the United States has become entitled under the terms of the armistice signed November 11, 1918, or which were acquired by or are in the possession of the United States by reason of its participation in the war, or otherwise; and all fines, forfeitures, penalties, and seizures imposed or made by the United States are hereby ratified, confirmed and maintained.

H. Rept. 801; minority report, H. Rept. 801, pt 2, 66th Cong., 2d. sess.

April 9, 1920, Mr. Flood moves:

That House joint resolution No. 327 be recommitted to the Committee on Foreign Affairs with instructions to the committee to report the same to the House forthwith with the following amendment:

Striking out all the preamble and all after the enacting clause and insert following the enacting clause the following:

"That all acts and joint resolutions of Congress which have been passed since April 6, 1917, and which by their terms are to be effective only for the period of the war, or for the present or existing emergency, or until a treaty of peace should be ratified, or until the proclamation by the President of the ratification of a treaty of peace, are hereby repealed; and all such acts and resolutions which by their terms are to be effective only during and for a specified period after such war, or such present or existing emergency, or the ratification of such treaty, or the proclamation by the President of the ratification of such treaty are hereby repealed, which repeal shall be effective at the end of the specified period, such specified period being construed as beginning on the date of the final passage of this resolution."

Vote: yeas, 171; nays, 222.

On the passage of the Joint Resolution: yeas, 242; nays, 150.

#### THE SENATE

April 12, 1920, H. J. Res. 327 read twice by title and referred to the Committee on Foreign Relations.

April 30, 1920, reported to the Senate with amendments by S. Rept. 568,

Joint resolution repealing the joint resolution of April 6, 1917, declaring that a state of war exists between the United States and Germany and the joint resolution of December 7, 1917, declaring that a state

of war exists between the United States and the Austro-Hungarian Government.

1 That the joint resolution of Congress passed April 6, 1917, de-  
2 claring a state of war to exist between the Imperial German Govern-  
3 ment and the Government and people of the United States, and  
4 making provisions to prosecute the same, be, and the same is hereby,  
5 repealed, and said state of war is hereby declared at an end: *Pro-*  
6 *vided*, however, That all property of the Imperial German Govern-  
7 ment, or its successor or successors, and of all German nationals  
8 which was, on April 6, 1917, in or has since that date come into the  
9 possession or under control of the Government of the United States  
10 or of any of its officers, agents, or employees, from any source or by  
11 any agency whatsoever, shall be retained by the United States and  
12 no disposition thereof made, except as shall specifically be hereafter  
13 provided by Congress, until such time as the German Government  
14 has, by treaty with the United States, ratification whereof is to be  
15 made by and with the advice and consent of the Senate, made  
16 suitable provisions for the satisfaction of all claims against the Ger-  
17 man Government of all persons, wheresoever domiciled, who owe  
18 permanent allegiance to the United States, whether such persons  
19 have suffered, through the acts of the German Government or its  
20 agents since July 31, 1914, loss, damage, or injury to their persons  
21 or property, directly or indirectly through the ownership of shares  
22 of stock in German, American, or other corporations, or have suffered  
23 damage directly in consequence of hostilities or of any operations of  
24 war, or otherwise and until the German Government has given  
25 further undertakings and made provisions by treaty, to be ratified  
26 by and with the advice and consent of the Senate, for granting to  
27 persons owing permanent allegiance to the United States, most-  
28 favored-nation treatment, whether the same be nationals or other-  
29 wise, in all matters affecting residence, business, profession, trade,  
30 navigation, commerce, and industrial property rights, and confirm-  
31 ing to the United States all fines, forfeitures, penalties, and seizures  
32 imposed or made by the United States during the war, whether in  
33 respect to the property of the German Government or German na-  
34 tionals, and waiving any pecuniary claim based on events which  
35 occurred at any time before the coming into force of such treaty, any  
36 existing treaty between the United States and Germany to the con-  
37 trary notwithstanding. To these ends, and for the purpose of  
38 establishing fully friendly relations and commercial intercourse  
39 between the United States and Germany, the President is hereby  
40 requested immediately to open negotiations with the Government  
41 of Germany.



42 Sec. 2. That in the interpretation of any provision relating to the  
43 date of the termination of the present war or of the present or exist-  
44 ing emergency in any acts of Congress, joint resolutions, or procla-  
45 mations of the President containing provisions contingent upon the  
46 date of the termination of the war or of the present or existing  
47 emergency, the date when this resolution becomes effective shall  
48 be construed and treated as the date of the termination of the war  
49 or of the present or existing emergency, notwithstanding any pro-  
50 vision in any act of Congress or joint resolution providing any other  
51 mode of determining the date of the termination of the war or of the  
52 present or existing emergency.

53 Sec. 3. That until by treaty or act or joint resolution of Congress  
54 it shall be determined otherwise, the United States, although it has  
55 not ratified the treaty of Versailles, does not waive any of the rights,  
56 privileges, indemnities, reparations, or advantages to which it and  
57 its nationals have become entitled under the terms of the armistice  
58 signed November 11, 1918, or any extensions or modifications thereof  
59 or which under the treaty of Versailles have been stipulated for its  
60 benefit as one of the Principal Allied and Associated Powers and to  
61 which it is entitled.

62 Sec. 4. That the joint resolution of Congress approved December  
63 7, 1917, "declaring that a state of war exists between the Imperial  
64 and Royal Austro-Hungarian Government and the Government  
65 and people of the United States and making provisions to prosecute  
66 the same," be, and the same is hereby repealed and said state of war  
67 is hereby declared at an end, and the President is hereby requested  
68 immediately to open negotiations with the successor or successors  
69 of said Government for the purpose of establishing fully friendly re-  
70 lations and commercial intercourse between the United States and  
71 the Governments and peoples of Austria and Hungary.

May 13, 1920, unanimous consent agreement reached.

May 15, 1920, Mr. Brandegee offered the following amendment: In  
Sec. 1, after the word "corporations" in line 22, insert the following words:  
"or have suffered damage directly in consequence of hostilities or of any  
operations of war;" amendment was agreed to.

On the substitute proposed by the Committee on Foreign Rela-  
tions, the vote was: Yeas, 43; nays, 38; Bitter-enders, yea.

On the motion "shall the joint resolution pass," the vote was:  
Yeas, 43; nays, 38; Bitter-enders, yea.



## HOUSE OF REPRESENTATIVES

May 21, 1920, Mr. Porter moved to take H. J. Res. 327 from the Speaker's table and to concur in the Senate amendments; vote: Yeas, 228; nays, 139.

May 27, 1920, Resolution as passed by both Houses vetoed by the President.

May 28, 1920, Mr. Porter moved the previous question, "Will the House on reconsideration pass the resolution; the objections of the President to the contrary notwithstanding;" two-thirds vote required; vote: Yeas, 220; nays, 152.

# Present Membership of the League of Nations

Argentine Republic

Australia

Belgium

Bolivia

Brazil

British Empire

Canada

Chile

China

Colombia

Cuba

Czecho-Slovakia

Denmark

France

Greece

Guatemala

Haiti

Hedjaz

India

Italy

Japan

Liberia

Netherlands

New Zealand

Norway

Panama

Paraguay

Peru

Persia

Poland

Portugal

Rumania

Salvador

Serbia

Siam

South Africa

Spain

Sweden

Switzerland

Uruguay

Venezuela

Ecuador is considering the treaty of peace in the current Congress.

Nicaragua has ratified, but the formalities of depositing the ratification are not yet complete.

Honduras has completed the parliamentary stage of ratification.

The United States is eligible to original membership.

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**World Peace Foundation**

40 Mt. Vernon Street

**Boston 9, Massachusetts**

# LEAGUE *of* NATIONS

Vol. III

*Special Number*

September, 1920

## **Permanent Court** **of** **International Justice**

**Draft Scheme  
for the  
Institution of the Court**

Published Bimonthly by the  
**WORLD PEACE FOUNDATION**

40 Mt. Vernon Street, Boston

Price, 5 cents per copy; 25 cents per year

# World Peace Foundation

Boston, Massachusetts

\*FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force*.—Edwin Ginn.

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\*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

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## FOREWORD

The instructions which Mr. Root as President Roosevelt's Secretary of State issued to Mr. Choate and his colleagues who represented the United States at the Second Hague Conference in 1907, contain the original plans for such a court as is embodied in the draft scheme for the institution of the Permanent Court of International Justice, which the Council of the League has now referred to the 41 members of the League of Nations.

In 1907 the plan failed because of the insuperable obstacle of discovering some method of appointing 15 judges for 45 nations, in a manner acceptable to great and small nations alike.

In the present plan this obstacle has been satisfactorily overcome by utilizing the Assembly and the Council of the League in such a way as to enable small as well as large nations to participate in the selection of judges.

It is of interest to Americans that, although the United States is not a member of the League, and therefore not entitled to participate in its deliberations, the Council gave a special invitation to Mr. Root to serve on the Commission of 12 jurists which was charged with the duty of drawing up the plan. The method of procedure is as follows :

1. Appointment by the Council of the Commission, February 13, 1920.
2. Deliberations of the Commission at The Hague, June 16-July 24.
3. Report of the Commission to the Council at San Sebastian, July 30-August 4.
4. Letter transmitting the draft scheme to member states, August 27.
5. Adoption of the draft scheme by the Council at Paris, September 16.
6. Consideration of the plan by member nations, which will instruct their delegates to the first meeting of the Assembly at Geneva, November 15.
7. Resubmission for ratification by member states.

The supreme importance of this project for the success of the League of Nations or any other plan for organizing the world to secure peace and justice is impressively set forth in the letter of transmission, as follows:

## LEAGUE OF NATIONS

Sunderland House, Curzon Street,  
London, W. 1  
27th August, 1920.

The Council of the League of Nations has the honor to communicate to the Government the scheme presented by the International Committee of eminent jurists who were invited to submit plans for the establishment of a Permanent Court of International Justice, and who have recently concluded their deliberations at The Hague.

The Council do not propose to express any opinion on the merits of the scheme until they have had a full opportunity of considering it; but they permit themselves to accompany the documents with the following observations.

The scheme has been arrived at after prolonged discussion by a most competent tribunal. Its members represented widely different national points of view; they all signed the Report. Its fate has therefore been very different from that of the plans for a Court of Arbitral Justice, which were discussed without result in 1907. Doubtless the agreement was not arrived at without difficulty. Variety of opinions, even among the most competent experts, is inevitable on a subject so perplexing and complicated. Some mutual concessions are therefore necessary if the failure of thirteen years ago is not to be repeated. The Council would regard an irreconcilable difference of opinion on the merits of the scheme as an international misfortune of the gravest kind. It would mean that the League was publicly compelled to admit its incapacity to carry out one of the most important of the tasks which it was invited to perform. The failure would be great and probably irreparable; for, if agreement proves impossible under circumstances apparently so favorable, it is hard to see how and when the task of securing it will be successfully resumed.

It is in the spirit indicated by these observations that the Council on their part propose to examine the project submitted to them by the Committee of Jurists; and they trust that in the same spirit the Members of the League will deal with this all-important subject when the Council brings the recommendations before the Assembly.

# DRAFT SCHEME

## FOR THE

### INSTITUTION OF THE PERMANENT

# COURT OF INTERNATIONAL JUSTICE

*Mentioned in Article 14 of the Covenant of the League of Nations.  
Presented to the Council of the League by the  
Advisory Committee of Jurists*

#### ARTICLE 1

A Permanent Court of International Justice, to which Parties shall have direct access, is hereby established, in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organized by the Hague Convention of 1899 and 1907, and to the special Tribunals of Arbitration to which States are always at liberty to submit their disputes for settlement.

#### CHAPTER I

##### *Organization of the Court*

#### ARTICLE 2

The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality, from among persons of high moral character, who possess the qualifications required, in their respective countries, for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

#### ARTICLE 3

The Court shall consist of 15 members: 11 judges and 4 deputy-judges. The number of judges and deputy-judges may be hereafter increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of 15 judges and 4 deputy-judges.

## ARTICLE 4

The members of the Court shall be elected by the Assembly and the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

## ARTICLE 5

At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the members of the Court of Arbitration, belonging to the States mentioned in the Annex to the Covenant or to the States which shall have joined the League subsequently, inviting them to undertake, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than two persons; the nominees may be of any nationality.

## ARTICLE 6

Before making these nominations, each national group is hereby recommended to consult its Highest Court of Justice, its Legal Faculties and Schools of Law, and its National Academies and national sections of International Academies devoted to the study of Law.

## ARTICLE 7

The Secretary-General of the League of Nations shall prepare a list, in alphabetical order, of all the persons thus nominated. These persons only shall be eligible for appointment, except as provided in Article 12, paragraph 2.

The Secretary-General shall submit this list to the Assembly and to the Council.

## ARTICLE 8

The Assembly and the Council shall proceed to elect by independent voting first the judges and then the deputy-judges.

## ARTICLE 9

At every election, the electors shall bear in mind that not only should all the persons appointed as members of the Court possess the qualifications required, but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

## ARTICLE 10

Those candidates who obtain an absolute majority of votes in the Assembly and the Council shall be considered as elected.

In the event of more than one candidate of the same nationality being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

#### ARTICLE 11

If, after the first sitting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third sitting shall take place.

#### ARTICLE 12

If after the third sitting one or more seats still remain unfilled, a joint Conference consisting of six members, three appointed by the Assembly and three by the Council, may be formed, at any time, at the request of either the Assembly or the Council, for the purpose of choosing one name for each seat still vacant, to submit to the Assembly and the Council for their respective acceptance.

If the Committee is unanimously agreed upon any person who fulfills the required conditions, he may be included in its list, even though he was not included in the list of nominations made by the Court of Arbitration.

If the Joint Conference is not successful in procuring an election, those members of the Court who have already been appointed shall, within a time limit to be arranged by the Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the Assembly or in the Council.

In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

#### ARTICLE 13

The members of the Court shall be elected for nine years.

They may be re-elected.

They shall continue to discharge their duties until their places have been filled.

Though replaced, they shall complete any cases which they may have begun.

#### ARTICLE 14

Vacancies which may occur shall be filled by the same method as that laid down for the first election.

A member of the Court elected to replace a member the period of whose appointment has not expired will hold the appointment for the remainder of his predecessor's term.



## ARTICLE 15

Deputy-judges shall be called upon to sit in the order laid down in a list.

This list shall be prepared by the Court, having regard first to the order in time of each election and secondly to age.

## ARTICLE 16

The exercise of any function which belongs to the political direction, national or international, of States, by the Members of the Court, during their terms of office is declared incompatible with their judicial duties.

Any doubt upon this point is settled by the decision of the Court.

## ARTICLE 17

No member of the Court can act as agent, counsel or advocate in any case of an international nature.

No member may participate in the decision of any case in which he has previously taken an active part, as agent, counsel or advocate for one of the contesting parties, or as a member of a national or international Court, or of a Commission of Inquiry, or in any other capacity.

Any doubt upon this point is settled by the decision of the Court.

## ARTICLE 18

A member of the Court can not be dismissed unless, in the unanimous opinion of the other Members, he has ceased to fulfill the required conditions.

When this happens a formal notification shall be given to the Secretary-General.

This notification makes the place vacant.

## ARTICLE 19

The members of the Court, when outside their own country, shall enjoy the privileges and immunities of diplomatic representatives.

## ARTICLE 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open Court that he will exercise his powers impartially and conscientiously.

## ARTICLE 21

The Court shall elect its President and Vice-President for three years; they may be re-elected.

It shall appoint its Registrar.

The duties of Registrar of the Court shall not be considered incompatible with those of Secretary-General of the Permanent Court of Arbitration.

#### ARTICLE 22

The seat of the Court shall be established at The Hague.  
The President and Registrar shall reside at the seat of the Court.

#### ARTICLE 23

A session shall be held every year.

Unless otherwise provided by rules of Court this session shall begin on the 15th June, and shall continue for so long as may be necessary to complete the cases on the list.

The President may summon an extraordinary meeting of the Court whenever necessary.

#### ARTICLE 24

If, for some special reason, a member of the Court considers that he can not take part in the decision of a particular case, he shall so inform the President.

If, for some special reason, the President considers that one of the members of the Court should not sit on a particular case, he shall give notice to the member concerned.

In the event of the President and the member not agreeing as to the course to be adopted in any such case, the matter shall be settled by the decision of the Court.

#### ARTICLE 25

The full Court shall sit except when it is expressly provided otherwise.

If 11 judges can not be present, deputy-judges shall be called upon to sit, in order to make up this number.

If, however, 11 judges are not available, a quorum of 9 judges shall suffice to constitute the Court.

#### ARTICLE 26

With a view to the speedy dispatch of business the Court shall form, annually, a chamber composed of three judges who, at the request of the contesting parties, may hear and determine cases by summary procedure.

#### ARTICLE 27

The Court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

## ARTICLE 28

Judges of the nationality of each contesting party shall retain their right to sit in the case before the Court.

If the Court includes upon the Bench a judge of the nationality of one of the parties only, the other party may select from among the deputy-judges, a judge of its nationality, if there be one. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates by some national group in the Court of Arbitration.

If the Court includes upon the Bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only.

Judges selected or chosen as laid down in paragraphs 2 and 3 of this Article shall fulfill the conditions required by Articles 2, 16, 17, 20, 24 of this Statute. They shall take part in the decision on an equal footing with their colleagues.

## ARTICLE 29

The judges shall receive an annual salary to be determined by the Assembly of the League of Nations upon the proposal of the Council. This salary must not be decreased during the period of a judge's appointment.

The President shall receive a special grant for his period of office, to be fixed in the same way.

Deputy-judges shall receive a grant, for the actual performance of their duties, to be fixed in the same way.

Traveling expenses incurred in the performance of their duties shall be refunded to judges and deputy-judges who do not reside at the seat of the Court.

Grants due to judges selected or chosen as provided in Article 28 shall be determined in the same way.

The salary of the Registrar shall be decided by the Council upon the proposal of the Court.

A special regulation shall provide for the pensions to which the judges and registrar shall be entitled.

## ARTICLE 30

The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

## CHAPTER II

*Competence of the Court*

## ARTICLE 31

The Court shall have jurisdiction to hear and determine suits between States.

## ARTICLE 32

The Court shall be open of right to the States mentioned in the Annex to the Covenant, and to such others as shall subsequently enter the League of Nations.

Other States may have access to it.

The conditions under which the Court shall be open of right or accessible to States which are not Members of the League of Nations shall be determined by the Council, in accordance with Article 17 of the Covenant.

## ARTICLE 33

When a dispute has arisen between States, and it has been found impossible to settle it by diplomatic means, and no agreement has been made to choose another jurisdiction, the party complaining may bring the case before the Court. The Court shall, first of all, decide whether the preceding conditions have been complied with; if so, it shall hear and determine the dispute according to the terms and within the limits of the next Article.

## ARTICLE 34

Between States which are Members of the League of Nations, the Court shall have jurisdiction (and this without any special convention giving it jurisdiction) to hear and determine cases of a legal nature concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of reparation to be made for the breach of an international obligation;
- e. the interpretation of a sentence passed by the Court.

The Court shall also take cognizance of all disputes of any kind which may be submitted to it by a general or particular convention between the parties.

In the event of a dispute as to whether a certain case comes within any of the categories above mentioned, the matter shall be settled by the decision of the Court.

#### ARTICLE 35

The Court shall, within the limits of its jurisdiction as defined in Article 34, apply in the order following:

1. international conventions, whether general or particular, establishing rules expressly recognized by the contesting States;
2. international custom, as evidence of a general practice, which is accepted as law;
3. the general principles of law recognized by civilized nations;
4. judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

#### ARTICLE 36

The Court shall give an advisory opinion upon any question or dispute of an international nature referred to it by the Council or Assembly.

When the Court shall give an opinion on a question of an international nature which does not refer to any dispute that may have arisen, it shall appoint a special Commission of from three to five members.

When it shall give an opinion upon a question which forms the subject of an existing dispute, it shall do so under the same conditions as if the case had been actually submitted to it for decision.

### CHAPTER III

#### *Procedure*

#### ARTICLE 37

The official language of the Court shall be French.

The Court may, at the request of the contesting parties, authorize another language to be used before it.

#### ARTICLE 38

A State desiring to have recourse to the Court shall lodge a written application addressed to the Registrar.

The application shall indicate the subject of the dispute, and name the contesting parties.

The Registrar shall forthwith communicate the application to all concerned.



He shall also notify the Members of the League of Nations through the Secretary-General.

#### ARTICLE 39

If the dispute arises out of an act which has already taken place or which is imminent, the Court shall have the power to suggest, if it considers that circumstances so require, the provisional measures that should be taken to preserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Council.

#### ARTICLE 40

The parties shall be represented by agents.

They may have Counsel or Advocates to plead before the Court.

#### ARTICLE 41

The procedure shall consist of two parts: written and oral.

#### ARTICLE 42

The written proceedings shall consist of the communication to the judges and to the parties of statements of cases, counter-cases and, if necessary, replies; also all papers and documents in support.

These communications shall be made through the Registrar in the order and within the time fixed by the Court.

A certified copy of every document produced by one party shall be communicated to the other party.

#### ARTICLE 43

The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel and advocates.

For the service of all notices upon persons other than the agents, counsel and advocates, the Court shall apply direct to the Government of the State upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

#### ARTICLE 44

The proceedings shall be under the direction of the President, or in his absence, of the Vice-President; if both are absent, the senior judge shall preside.

#### ARTICLE 45

The hearing in Court shall be public, unless the Court, at the written request of one of the parties, accompanied by a statement of his reasons, shall otherwise decide.

## ARTICLE 46

Minutes shall be made at each hearing, and signed by the Registrar and the President.

These minutes shall be the only authentic record.

## ARTICLE 47

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

## ARTICLE 48

The Court may, even before the hearing begins, call upon the agents to produce any document, or to supply to the Court any explanations. Any refusal shall be recorded.

## ARTICLE 49

The Court may, at any time, intrust any individual, bureau, commission or other body that it may select, with the task of carrying out an inquiry or giving an expert opinion.

## ARTICLE 50

During the hearing in Court, the judges may put any questions considered by them to be necessary, to the witnesses, agents, experts, advocates or counsel. The agents, advocates and counsel shall have the right to ask, through the President, any questions that the Court considers useful.

## ARTICLE 51

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

## ARTICLE 52

Whenever one of the parties shall not appear before the Court, or shall fail to defend his case, the other party may call upon the Court to decide in favor of his claim.

The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 33 and 34, but also that the claim is supported by substantial evidence and well founded in fact and law.

## ARTICLE 53

When the agents, advocates and counsel, subject to the control of the Court, have presented all the evidence, and taken all other steps that

they consider advisable, the President shall declare the case closed.

The Court shall withdraw to consider the judgment.

The deliberations of the Court shall take place in private and remain secret.

#### ARTICLE 54

All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the President or his deputy shall have a casting vote.

#### ARTICLE 55

✓ The judgment shall state the reasons on which it is based.

It shall contain the names of the judges who have taken part in the decision.

#### ARTICLE 56

If the judgment given does not represent, wholly or in part, the unanimous opinion of the judges, the dissenting judges shall be entitled to have the fact of their dissent or reservations mentioned in it. But the reasons for their dissent or reservations shall not be expressed in the judgment.

#### ARTICLE 57

The judgment shall be signed by the President and by the Registrar. It shall be read in open Court, due notice having been given to the agent.

#### ARTICLE 58

The judgment is final and without appeal. In the event of uncertainty as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

#### ARTICLE 59

An application for revision of a judgment can be made only when it is based upon the discovery of some new fact, of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

No application for revision may be made after the lapse of five years from the date of the sentence.

#### ARTICLE 60

Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

#### ARTICLE 61

Whenever the construction of a convention in which States, other than those concerned in the case, are parties, is in question, the Registrar shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings: but if it uses this right, the construction given by the judgment will be as binding upon it as upon the original parties to the dispute.

#### ARTICLE 62

Unless otherwise decided by the Court, each party shall bear its own costs.

# LEAGUE *of* NATIONS

Vol. III, No. 5

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## Report of the International Financial Conference

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Published Bimonthly by the  
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# World Peace Foundation

Boston, Massachusetts

\*FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn.

The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force*.—Edwin Ginn.

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*The Supreme Council of the Allied Powers in its pronouncement on March 8 declared that armies should everywhere be reduced to a peace footing, that armaments should be limited to the lowest possible figure compatible with national security and that the League of Nations should be invited to consider, as soon as possible, proposals to this end. The statements presented to the Conference show that, on an average, some 20 per cent of the national expenditure is still being devoted to the maintenance of armaments and the preparations for war. The Conference desires to affirm with the utmost emphasis that the world cannot afford this expenditure. Only by a frank policy of mutual co-operation can the nations hope to regain their old prosperity; and in order to secure that result the whole resources of each country must be devoted to strictly productive purposes.*

*The Conference accordingly recommends most earnestly to the Council of the League of Nations the desirability of conferring at once with the several Governments concerned, with a view to securing a general and agreed reduction of the crushing burden which, on their existing scale, armaments still impose on the impoverished peoples of the world, sapping their resources and imperiling their recovery from the ravages of war. The Conference hopes that the Assembly of the League which is about to meet will take energetic action to this end.—*  
**RESOLUTION IV, COMMITTEE ON PUBLIC FINANCE.**

# INTERNATIONAL FINANCIAL CONFERENCE

## INTRODUCTION

The International Financial Conference was held at Brussels from September 24 to October 8, 1920, under the auspices of the League of Nations.<sup>1</sup>

For the first time in six years the 39 more important nations of the world met about a common table. Not only the most important of the states members of the League attended but also the United States, which has not yet ratified the Peace Treaty, Finland, Luxemburg, Esthonia, Latvia and Lithuania, who can not be admitted to membership in the League before the Assembly Meeting in November, and Germany, Austria, Hungary and Bulgaria.

The Conference was originally fixed for an earlier date, but was postponed when the Spa Conference between the Supreme Council of the Allies and Germany left over the settlement of the sum of Germany's indebtedness and the method of payment. The Council of the League decided at its San Sebastian session that in any event the financial conference should definitely take place as there was much work to be done irrespective of that involved by the German indemnity, so that if by September 24, the Supreme Council of the Allies were not in a position to be able to communicate the result of negotiations between the Allies and Germany, the conference would nevertheless proceed with its other work.

The task fell into three parts:

1.—To obtain as complete a picture as possible of the situation of the world and by comparison of the situation in the various countries to make it possible to form a judgment as to the importance and difficulty of the problems with which they respectively are faced. It is essential, if future action is to be placed upon a firm basis of fact, that this survey should include a definite understanding of the external obligations of all the late belligerent Powers.

2.—By an interchange of opinion and experience to assist each

<sup>1</sup> For the circumstances leading up to the convening of the conference, see *Three Months of the League of Nations* (*League of Nations*, III, Nos. 1-2), p. 71-86.

country to arrive at the soundest possible policy for dealing with the difficulties revealed in the survey and to insure that such national policies are not antagonistic.

3.—To discuss and formulate a scheme or schemes to meet those difficulties where national action needs to be supplemented by international agreement.

Certain features marked the conference as most unusual.

The conference was necessary, not only because of the desperate financial and economic situation of the world, but because of the insistence of the former neutral Powers.

Questions still under negotiation between the Allied and Associated Powers and the ex-enemy powers were not discussed. This prohibition applied especially to the question of the total amount of German reparations.

Though summoned by the League, states not members of the League participated on equal terms with states in the League. They had full rights of speaking, of voting and of holding office, and were in no way distinguished from League members. M. Ador, former President of Switzerland, was chosen as presiding officer, because, being a man who has risen to the highest post in a neutral country, he was obviously well-equipped for the rôle of chairman and was certain to give all parties a hearing.

The conference was so constituted as to draw forth, not so much the views of Governments, as the best economic and financial opinion of the world. Consequently, each national delegation was planned to consist of a high government official, a leading banker, and a man in commerce acquainted with the practical side of the economic situation in his country. The members of each national delegation voted not as a national group but as individuals. This led to the registration of the best world opinion regardless of national lines, and tended, instead of accentuating differences in national viewpoints, to create a world judgment on the various problems presented.

The conference opened with a 15-minute statement by each nation as to its financial situation in regard to the budget, the internal and external debt, currency and exchange. The appalling character of this bird's-eye view of the financial straits of civilization is graphically portrayed in the accompanying report.



Decisions arrived at were merely recommendations to the various Governments and without binding force unless ratified by the national authorities. The conference thus avoided the danger of assuming a power which few Governments would be willing to give it. But the recommendations, coming from a world meeting, can not fail to command the respectful attention of both public and private financiers.

A great mass of data and information on economic and financial subjects was brought together. This was embodied in 14 pamphlets—besides several other publications—circulated to the Governments, to various exports, and to the press. They formed the starting point of the conference discussions.

*First and foremost the world needs peace. The Conference affirms most emphatically that the first condition for the world's recovery is the restoration of real peace, the conclusion of the wars which are still being waged and the assured maintenance of peace for the future. The continuance of the atmosphere of war and of preparations for war is fatal to the development of that mutual trust which is essential to the resumption of normal trading relations.*

*The world must resolve the rivalries and animosities which have been the inevitable legacy of the struggle by which Europe has been torn. This the Conference ventures to hope is no vain aspiration. The fact that for the first time since 1914 representatives of belligerents and neutrals alike have met in conference is a good omen for the future. The world needs the inauguration of a new era of co-operation and good will between nations if it is to repair the destruction of those years of struggle, if indeed it is ever to secure the survival of its civilization.—*

**REPORT OF THE CONFERENCE.**

# REPORT OF THE INTERNATIONAL FINANCIAL CONFERENCE<sup>1</sup>

In accordance with arrangements made by the Council of the League of Nations the International Financial Conference met at Brussels on Friday, September 24, 1920, in the Chamber of Deputies, which was generously placed at its disposal by the Belgian Government and the President of the Chamber.

The discussions of the Conference, which sat until October 8, have been governed by the Resolution passed by the Council of the League in February, 1920:

“The League of Nations shall convene an International Conference with a view to studying the financial crisis and looking for the means of remedying and of mitigating the dangerous consequences arising from it,”  
and by the further instruction approved by the Council on August 5, 1920, to the effect that—

“none of the questions which are the subject of the present negotiations between the Allies and Germany should be discussed at the Conference.”

The Members of the Conference, 86 in number, while appointed by their several Governments, attended as experts and not as spokesmen of official policy. They were drawn from those with both private and official experience, and the conditions of their appointment permitted them to give the Conference the full benefit of their knowledge and to express their personal opinions with freedom. The Members so attending represented the following 39 countries:

<sup>1</sup>Reprinted from International Financial Conference. Provisional Verbatim Record, afternoon session, No. 17, Friday, October 8, 1920, p. 199-208.

Argentina	*Germany	Poland
*Armenia	Greece	Portugal
Australia	Guatemala	Rumania
*Austria	Holland	Serb-Croat-Slovene
Belgium	*Hungary	State
Brazil	India	South Africa
*Bulgaria	Italy	Spain
Canada	Japan	Sweden
China	*Latvia	Switzerland
Czecho-Slovakia	*Lithuania	United Kingdom
Denmark	*Luxemburg	*United States of
*Esthonia	New Zealand	America
*Finland	Norway	Uruguay
France	Peru	

A list of the Delegates and of their advisers is appended to this Report.

## I. REVIEW OF THE SITUATION

Some of the financial ills from which the world is suffering are common to all nations. But the severity of the malady and the effects which it has produced on the body politic have varied immensely in proportion to the degree in which each nation has been immersed in the maelstrom of the war. In order, therefore, to get a complete and balanced picture of the situation, the Conference first devoted itself to hearing an exposition of the financial situation of each of the 39 countries represented. These statements constitute Volume III of this report.<sup>1</sup>

Certain of the belligerent countries of Europe (Belgium, Bulgaria, France, Germany, Great Britain, Greece, Italy and Portugal), unable to cover the expenses of the war from their national current revenue, find their balance sheet burdened with an enormous volume of both internal and external debt, the amount of the latter being still undetermined in the case of Ger-

\*Not a member of the League of Nations.

<sup>1</sup>Not printed herewith. The statements made by the representatives of various countries have been summarized in Review of the Foreign Press: The Economic Review, as follows: Germany, October 8, 1920, p. 488-489; Czecho-Slovakia, Holland, Spain, Switzerland, Esthonia, Finland, Latvia and Poland, October 15, p. 506-508; France and Denmark, October 22, p. 528-529.

many. The total external debt of the European belligerents converted into dollars at par amounts to about \$155,000,000,000 compared with about \$17,000,000,000 in 1913, which, even when full allowance is made for the depreciation of money, represents a tremendous burden in proportion to the total national income of the belligerent countries. The external debt, amounting to about \$11,000,000,000 due to the United States, to 1,750,000,000 pounds sterling due to Great Britain, presents an even more difficult financial problem because in nearly every case it is payable in a currency which is less depreciated than that of the country concerned.

The Government expenditure of these belligerent countries has increased in proportions which vary between 500 and 1500 per cent, the present figures amounting to between 20 and 40 per cent of the total national income. The higher of these percentages represents the expenditure of France, which includes in her budget a very large sum for the restoration of her devastated provinces.

In all cases vigorous efforts have been made to introduce an orderly fiscal system into state finance by the imposition of fresh taxation—mostly in the form of direct taxes, and the ordinary revenues are in most cases now equal to or not far short of the ordinary expenditure. But except in the case of Great Britain, there is still a very large gap between the total income and expenditure.

These countries together have lost a very large proportion of their pre-war holdings of gold and have enormously increased their paper currencies. This process of inflation, which has been reduced by Great Britain and checked by France, still continues in other countries. Except in the case of Germany and her allies, whose imports were prevented by the blockade, all these countries have during the war had an enormous excess of imports over exports. This excess increased in some cases after the Armistice, but is now diminishing. Indeed in almost every case there is now a perceptible growth of exports.

During the war the exchanges of these countries did not reflect their real economic position, as artificial measures were in most cases taken to stabilize them; but the exchanges rapidly deteriorated when these measures were given up in 1919. This



depreciation continued for twelve months. Since the spring of this year there have been appreciable variations, but on the balance the net movement has been toward improvement.

As a result of the war a number of new states have been created, while certain existing states, some of which were belligerents, have had their territories profoundly modified. Among these are Austria, Czecho-Slovakia, Esthonia, Finland, Hungary, Latvia, Lithuania, Poland, Rumania and Serbia. For none of these countries, except Finland, is there a definite basis of comparison. All of them have received as a legacy of the war extremely depreciated currencies. In most cases the machinery of an orderly state revenue system is not yet in operation, and with enormous expenditure upon food relief, armaments, and in some cases actual war, there is no sign yet of any possibility of a budget equilibrium. In many of these countries the printing press is still in operation. On the other hand several of them are predominantly agricultural. Their productive powers may recover rapidly, and a single good harvest—especially with the present high price of food—is likely to strengthen both their financial and their economic position. In the case of Austria, whose economic life has been more completely disintegrated than elsewhere, the situation is peculiarly difficult.

In the countries of Europe which were neutral during the War, including Denmark, Sweden, Holland, Luxemburg, Norway, Spain and Switzerland, the position is essentially different; but the financial difficulties are also serious. In some cases heavy expenditure was incurred by these countries directly in consequence of the War and they have had largely to increase their internal debt. But in most cases the budget difficulties are due to the growth of Government expenditure caused by the rise of prices and the provision of subsidies to prevent this rise pressing too heavily on the general population. This expenditure has in some cases been met by increased taxation, but in the case of Holland, Switzerland and Spain there are considerable deficits and in the two latter cases no equilibrium is yet in sight. The trade position of these countries also presents peculiar difficulties. During the War their trade balances were very favorable owing to the demand for their products from the belligerent nations and the stoppage of their imports. The result was an accumulation

of gold which led to an expansion of currency and a rise of prices almost as serious as that which for entirely different reasons took place in the belligerent countries. Since the War, the trade situation has been reversed, as these countries have been importing the goods required to replenish stocks and, owing in part to the premium to which their exchanges have risen, as compared with the depreciated currencies of the belligerent nations, the maintenance of their exports has become difficult. To some extent therefore the favorable factors in the situation of these countries are actually an embarrassment.

The countries outside Europe have on the whole the most favorable economic position. Though special conditions affect certain of them, especially China, in general it may be said that they have benefited by the ready disposal of their products to the nations of Europe. Their trade balances have been very favorable and their exchanges have improved relatively to those of European countries. They have in many cases been able to pay off a large proportion of their external debts and, on the other hand, have made large loans to their former creditors. This is particularly the case with the United States, to whom most of the countries of Europe are now heavily indebted. But as in the case of European neutrals, their accumulation of gold has led to a rise in prices and has rendered more difficult the maintenance of their exports. Their future economic position, therefore, is vitally dependent on the restoration of the purchasing power of their European customers. It must also be kept in view that many of these countries, especially in the new hemisphere, have immense unfulfilled demands for capital expenditure, and the world-wide shortage of capital at the present time constitutes a serious handicap to their development.

It is noteworthy, however, that, different as are the conditions in these different groups of countries, certain features are common to practically every country of the world as a consequence of the destruction and dislocation of the War. In every country the purchasing power of the national currency has diminished, and the cost of living in terms of that currency has increased. With few exceptions, neutral as well as belligerent countries suspended the gold basis of their currency. Even where the gold basis has been retained, the purchasing value of the currency has

declined, for the value of gold itself in terms of commodities has diminished to about one-half.

In every country international trade has been impeded, dislocated and diverted from its normal channels. The inability of Europe to export during the War forced the normal purchasers of her goods to look elsewhere for their requirements to develop production in unaccustomed channels at home or in other countries overseas. Simultaneously Europe's need for imports compelled the sale of her capital holdings abroad, which are not therefore now available for her present needs. The instability and depreciation of exchanges resulting from these and other causes have impeded the trade of both seller and buyer. Countries with unfavorable exchanges have found it difficult to buy raw materials and those with favorable exchanges have found in them an obstacle to the sale of their exports. With half the world producing less than it consumes and having insufficient exports to pay for its imports, credits alone can bridge the gulf between seller and buyer, and credits are rendered difficult by the very causes which make them necessary. Finally, every country finds impediments to its international trade in the new economic barriers which have been imposed during and since the war.

## II. THE LIMITS OF FINANCIAL REMEDIES

Such, in the briefest outline, is the economic and financial condition of the world which was presented to the Conference in vivid detail by the Reports from the 39 countries attending it.

The Members of the Conference were conscious that, limited to the sphere of finance both by their terms of reference and their personal qualifications, they could only deal with a part of the problem which faced the Governments and the peoples of the world.

Finance is, after all, only a reflection of commercial and economic life, a part only, though an essential part, of its mechanism. The wealth of the world consists of the products of man's work, and the sum total of human prosperity can be increased only by an increase of production. All that any official or organized action can do is to create conditions which are favorable to production, and of those the most important fall outside the sphere of finance.

First and foremost the world needs peace. The Conference affirms most emphatically that the first condition for the world's recovery is the restoration of real peace, the conclusion of the wars which are still being waged and the assured maintenance of peace for the future. The continuance of the atmosphere of war and of preparations for war is fatal to the development of that mutual trust which is essential to the resumption of normal trading relations.

The world must resolve the rivalries and animosities which have been the inevitable legacy of the struggle by which Europe has been torn. This the Conference ventures to hope is no vain aspiration. The fact that for the first time since 1914 representatives of belligerents and neutrals alike have met in conference is a good omen for the future. The world needs the inauguration of a new era of co-operation and good will between nations if it is to repair the destruction of those years of struggle, if indeed it is ever to secure the survival of its civilization.

If the first condition of recovery is peace between the countries of the world, the next is peace within each of them and the establishment of conditions which will allay the social unrest that is at present impeding and reducing production, and which will restore social content and with it the will and the desire to work.

Among the conditions, however, which are essential if a maximum production is to be attained is the existence of a system which facilitates the exchange of commodities and their equitable distribution, and within this third sphere lies the task of finance and the especial problems which the Conference has had to consider.

### III. RECOMMENDATIONS OF THE CONFERENCE

The Conference divided the work involved in the examination of these problems into four parts and intrusted special commissions of its Members with the task of making a detailed study and preparing specific recommendations with regard to (a) public finance, and (b) currency and exchange, (c) international trade and commerce, and (d) international action with special reference to credits.

The recommendations of these Committees which have been unanimously approved by the Conference are given in full at

the end of this Report and they require to be considered as a whole with the detailed arguments on which they are based.

The substance of these recommendations may be summarized as follows:

### *General Financial Considerations*

The first step is to bring public opinion in every country to realize the essential facts of the situation and particularly the need of re-establishing public finances on a sound basis as a preliminary to the execution of those social reforms which the world demands.

Nearly every Government is being pressed to incur fresh expenditure—largely on palliatives which aggravate the very evils against which they are directed. The country which accepts the policy of budget deficits is treading the slippery path which leads to general ruin; to escape from that path no sacrifice is too great.

The statements presented to the Conference, show that on an average, some 20 per cent of the national expenditure is still being devoted to the maintenance of armaments and to preparations for war. The Conference desires to affirm with the utmost emphasis that the world can not afford this expenditure. Only by a frank policy of mutual co-operation can the nations hope to regain their old prosperity, and to secure that result the whole resources of each country must be devoted to strictly productive purposes. The Conference accordingly recommends most earnestly to the Council of the League of Nations the desirability of conferring at once with the several Governments concerned, with a view to securing a general and agreed reduction of the crushing burden which, on their existing scale, armaments still impose on the impoverished people of the world, sapping their resources and imperiling their recovery from the ravages of war. The Conference hopes that the Assembly of the League which is about to meet will take energetic action to this end.

It is also of the greatest importance that every Government should abandon at the earliest practicable date all uneconomical and artificial measures which conceal from the people the true economic situation.

To enable Governments, however, to give effect to the prin-



ciples of sound finance all classes of the community must contribute their share. Industry must be so organized as to encourage the maximum production on the part both of capital and of labor, as by such production alone will those improved conditions of life be obtained which it is the aim of every country to secure for its people. All classes of the population\* and particularly the wealthy, must be prepared willingly to accept the charges necessary to remedy the present situation. Above all, to fill up the gap between the supply of and the demand for commodities, it is the duty of every patriotic citizen to practice the strictest possible economy and so to contribute his maximum effort to the common weal. Such private action is the indispensable basis for the fiscal measures required to restore public finances.

The Conference moreover strongly indorses the declaration of the Supreme Council of the 8th March last "that the states which have been created or enlarged as the result of the war should at once re-establish full and friendly co-operation and arrange for the unrestricted interchange of commodities in order that the essential unity of European economic life may not be impaired by the erection of artificial economic barriers." Each country should aim at the progressive restoration of that freedom of commerce which prevailed before the war, including the withdrawal of artificial restrictions on, and discriminations of, price against external trade.

### *Revenue and Expenditure*

Where it is impossible to keep expenditure within the limits of existing revenue fresh taxation must be imposed to meet the deficit, and this process must be ruthlessly continued until the revenue is at least sufficient to meet the full amount of the recurrent ordinary expenditure. The relative advantages of the various possible methods of taxation depend on the special economic conditions obtaining in each country, and each country must decide for itself on the methods best suited to its own internal economy.

In future the loans which are required for urgent capital purposes must be met out of the real savings of the people. But these savings have as it were been pledged for many years ahead by the credits created during the war, and the first step to raising

fresh money must be to fund the undigested floating obligations with which the markets are burdened.

### *Cessation of Inflation*

It is of the utmost importance that the growth of "inflation" should be stopped. It should be clearly understood that this artificial and unrestrained expansion of the currency does not and can not add to the total real purchasing power in existence so that its effect must be to reduce the purchasing power of each unit of the currency. Inflation is in fact an unscientific and ill-adjusted method of taxation.

The effect of it has been to intensify, in terms of the inflated currencies, the general rise in prices, so that a greater amount of such currency is needed to procure the accustomed supplies of goods and services. Where this additional currency was procured by further "inflation" (i. e., by printing more paper money or creating fresh credit) there arose what has been called a "vicious spiral" of constantly rising prices and wages, and constantly increasing inflation with the resulting disorganization of all business, dislocation of the exchange, a progressive increase in the cost of living and consequent labor unrest.

It is highly desirable that the countries which have lapsed from an effective gold standard should return thereto. It is impossible to say how or when all the older countries would be able to return to their former measure of effective gold standard or how long it would take the newly formed countries to establish such a standard. But in the opinion of the Conference it is useless to attempt to fix the ratio of existing fiduciary currencies to their normal gold value. Unless the condition of the country concerned was sufficiently favorable to make the fixing of such a ratio unnecessary, it could not be maintained.

The reversion to, or establishment of, an effective gold standard by any means other than devaluation would in many cases demand enormous deflation, and it is certain that such deflation, if and when undertaken, must be carried out gradually and with great caution, otherwise the disturbance to trade and credit might prove disastrous.

The Conference does not recommend any attempt to stabilize the value of gold and gravely doubts whether any such attempt

could succeed. It believes that neither an international currency nor an International Unit of Account would serve any useful purpose or remove any of the difficulties from which international exchange suffers to-day.

### *Central Banks of Issue*

The Conference is of opinion that in countries where there is no central bank of issue, one should be established, and if the assistance of foreign capital were required for the promotion of such a bank, some form of international control might be necessary.

Attempts to limit fluctuations in exchange by imposing artificial control on exchange operations are futile and mischievous. In so far as they are effective they falsify the market, tend to remove natural correctives to such fluctuations and interfere with free dealings in forward exchange which are so necessary to enable traders to eliminate from their calculations a margin to cover the risks of exchange, which would otherwise contribute to the rise in prices.

### *External Credits*

The Conference recognizes, however, that any general improvement in the situation requires a considerable period of time, and that in present circumstances it is not possible for certain countries to restore their economic activity without assistance from abroad. This assistance is required for periods which exceed the normal term of commercial operations.

This assistance, however, can only be effectively accorded to countries which are prepared to co-operate with one another in the restoration of economic life and to make every effort to bring about within their own frontiers the sincere collaboration of all groups of citizens and to secure conditions which give to work and thrift liberty to produce their full results.

The Conference does not believe that, apart from the particular decisions dictated by national interests or by considerations of humanity, credits should be accorded directly by Governments.

### *New Credit Organization*

The Conference makes the following recommendations. An international organization should be formed and placed at

the disposal of states desiring to have resort to credit for the purpose of paying for their essential imports. These states would then notify the assets which they are prepared to pledge as security for the sake of obtaining these credits and would come to an understanding with the international organization as to the conditions under which these assets would be administered.

The bonds issued against this guaranty would be used as collateral for credits intended to cover the cost of commodities.

A plan, the details of which are set out in the Annex<sup>1</sup> to this report, is unanimously recommended by the Conference, which considers that a committee of financiers and business men should be nominated forthwith by the Council of the League of Nations for the purpose of defining the measures necessary to give practical effect to this proposal.

### *Export Credit Insurance*

An extension on international lines of the existing system of export credit insurance would also in many instances be of great value in developing trade with countries where the uncertainty of political and social conditions give rise to a lack of confidence. The Conference believes that an extension of this system is worthy of consideration, and that it should be further examined in detail by experts.

### *Finishing Credits*

The attention of the Conference has also been called to the present system of "finishing credits," that is to say of credits under which a lien in favor of the exporter or a banker is maintained on the raw material in all its different stages and upon the proceeds of the manufactured article.

The Council of the League is recommended to draw the attention of the different Governments to this question and to summon an advisory body of legal experts and business men to specify the legislative action needed to attain the desired object in each of the countries concerned.

### *Miscellaneous Proposals*

Apart from the above-mentioned proposals, the Conference believes that the activities of the League might usefully be directed

<sup>1</sup>Printed herewith, p. 242 ff.

toward promoting certain reforms, and collecting the relevant information required to facilitate credit operations. In this connection the Conference considers it well to draw attention to the advantages of making progress under each of the following heads:

Unification of the laws relating to bills of exchange and bills of lading.

The reciprocal treatment of the branches of foreign banks in different countries.

The publication of financial information in a clear comparative form.

The examination of claims by the holders of bonds, the interest on which is in arrear.

An international understanding on the subject of lost, stolen or destroyed securities.

The establishment of an international clearing house.

An international understanding which, while insuring the due payment by everyone of his full share of taxation, would avoid the imposition of double taxation which is at present an obstacle to the placing of investments abroad.

It will be seen that these recommendations involve both internal action by the several Governments and also international co-operation. For the measures taken in their respective countries the several Governments are and must of course remain responsible, though on certain questions the Conference has ventured respectfully to tender to them its advice.

The Conference is unanimous, however, in believing that national action is not by itself sufficient. International co-operation, of which the Conference itself is the first effort and example, must continue and develop and in this the League of Nations must take the initiative. The specific recommendations now made, such as the proposal to form a new International Credits Organization, are only instances of the measures of international co-operation which require to be elaborated in more detail.

The work of the present Conference has been a commencement only. It will be necessary to follow up the diagnosis now arrived at by a systematic study of the comparative progress made in the solution of the present difficulties and by continued collaboration in devising new proposals to meet new circum-



stances as they develop. For this purpose and for the work of a continuous character which each of the Commissions has recommended within its own sphere, a permanent organization will be necessary, and it may be desirable for the Conference itself to meet again at a later date.

In this connection, the terms of reference of the present Conference were, as already stated, limited by the Council of the League. The Conference has never sought to overstep the limits which the Council of the League of Nations set to the scope of its deliberations. It, however, feels justified in associating itself with the hope expressed by M. Léon Bourgeois in his report to the Council of April 5 last, to the effect that the economic uncertainty which besets alike the countries which are entitled to receive and the countries which are under an obligation to pay reparation claims may speedily be removed, since the settlement of this question is indispensable not only for the reconstruction of the countries devastated by the war—a matter of capital importance to the re-establishment of Europe's economic equilibrium—but also for the recovery of the states on whom the burden of this reparation lies.

#### IV. THE UNANIMOUS CHARACTER OF THE RECOMMENDATIONS

Some of the recommendations of the Conference may appear axiomatic in character rather than original contributions to the financial problem of the world. Their adoption, however, would mean a fundamental change in the policies of the great majority of European countries. It may, for example, seem almost a platitude to say that it is essential that Governments should meet their ordinary current expenditure out of their ordinary current revenue, and that, if they do not do so, the inflation and an increased cost of living are inevitable. In nearly three out of four of the countries represented at the Conference, however, and in nearly eleven out of twelve of European countries, budgets do not at present balance and many of them show no prospect of doing so in the near future. In these circumstances the recommendations made collectively and unanimously by the Conference may perhaps claim a special force and significance.

The Members of the Conference venture to call special attention to the way in which, selected by the Governments of 39 countries representing about 75 per cent of the population of the world, they have been able through this fortnight's discussion to arrive at a general agreement as to the main features of the world's economic and financial position, and some at least of the most important measures urgently required for its restoration. They therefore have been able to give to their suggestions the force of collective and unanimous recommendations.

Whatever may be the future of our positive proposals, the Conference can not have been in vain. It has been a gathering unique in the history of the world. It has not been a gathering of statesmen, working at the solution of political difficulties in the interest of their particular countries: it has been a gathering of experts from all nations working for the solution of the common problem of the whole world. Such differences and divergencies of view as may have existed were brought to the common stock, and all alike have benefited by the interchange of views which resulted. As the work of the Conference and its Commissions proceeded, there developed a spirit of close and intimate co-operation such as might scarcely have been thought possible. That co-operation is in itself a factor of the utmost importance. Each country has had the opportunity of presenting to the rest of the world its special difficulties, its particular anxieties, and all have contributed toward finding a solution.

THE PRESIDENT (speaking in French).—*Interpreter*.—Gentlemen, I do not think it is necessary to have this report read in English. If you will kindly accept it as it is, it will be circulated in English.

(Carried unanimously.)

THE PRESIDENT (speaking in French).—*Interpreter*.—Gentlemen, before bringing this Conference officially to a close, I deem it my duty to congratulate you more particularly on the excellent spirit which has informed your deliberations, as well as the extremely cordial and courteous character of our relations. A generous breath of liberalism, of international help and union has inspired your resolutions. Wise financiers and economists as you were, drawing your experience from the daily practice of

business, you have understood that only in a world of peace and order, only through strenuous work and the intensified output of all workers, can the world hope to emerge from the painful crisis which it is at present undergoing. When back in your respective countries, you will certainly uphold the principles of economic restoration which you have declared to be both urgent and indispensable. I am clearly conscious that this Conference is an almost unprecedented event, the actual importance of which we can not perhaps realize at present. It is a fruitful seed that will grow and spring up and is sure to bear a plentiful harvest. The League of Nations will find, in the numerous documents laid before it in your resolutions, information which will be particularly valuable. With its ever-growing moral authority, the League will thus be able to point out to the Governments and the peoples of the world the path they are to tread if they want to succeed in their financial and economic restoration. By penetrating every day more deeply into the life of the peoples, the League will steadily acquire a greater measure of that legitimate authority and influence which it should possess. This Conference, moreover, will have served as an auspicious preface to the work of the General Meeting which is to be held at Geneva. Allow me, first of all, to tender again to our distinguished Vice-Presidents our grateful thanks for the share they have had in your labors, and for the manner in which they have presided over the discussions of their respective commissions. I also thank the Committees of the Conference, together with the members of the Committees who have examined the reports of the states which have been submitted to the Conference.

M. Delacroix, Prime Minister of Belgium, speaking with the full authority which attaches to his person, M. Carneiro of Brazil, M. Coromilas of Greece, and M. ter Meulen of Holland, kindly sent in concrete schemes which have been largely taken into account by the Commission, and which will be annexed to the General Report. These gentlemen, will, I hope, permit me to thank them again for their valuable co-operation. I must not allow the opportunity to go by without specially thanking the Secretariat General of the League of Nations, and the members of its staff, from its eminent Directors down to the most modest typist. They have all spared no trouble in order to fulfil loyally

their daily work. The rapidity with which the documents and reports were prepared and reproduced greatly facilitated the progress of the discussions. . .

M. DELACROIX, Belgium, (speaking in French).—*Interpreter*.—Gentlemen, I hope you will bestow on me the honor of allowing me to express the gratitude of this Conference to our President. Let me be the interpreter of our feelings of thanks and admiration for the masterly way in which our President has presided over the business of this meeting. It would have been impossible to do it better than our President has done it. By his clearness, by his courtesy, and at the same time by his firmness, he has been able to bring the vast program with which we have had to deal to a happy conclusion. I believe I will fulfil the wishes of the President himself if I associate in my expression of thanks also the Bureau of the Secretary-General of the League of Nations. It was the League of Nations which had the initiative of calling together this important Conference. Eighteen months after peace was concluded we find here 39 states coming together in order to lay the foundation for the future prosperity of their economic lives. A great thought has been realized. The masterly way and the rapidity with which the documents were prepared, translated and circulated, of which the President has already spoken, has also been the object of our admiration. The good functioning of this organization shows that there is vitality in the League of Nations. This first attempt shows the hand of the master. As the President said, the results of this Conference may not at once be tangible to everybody, but surely we all have good faith in the result of the future, and we know that the final result will be fruitful. We started by finding out what was the nature and the gravity of the wound, and as soon as we were able to understand its nature it became easier to find the remedy. As was the case with many people who suffered great wounds in the war, it is not always easy for the sick person to find in himself all the energy and all the possibilities of reaction. It is necessary that he should not stand alone in his efforts to recover. . .

## INTERNATIONAL CREDITS<sup>1</sup>

The following resolutions of the Committee on International Credits were carried unanimously on October 7:

VI. The Committee does not believe that, apart from particular decisions dictated by national interests or by considerations of humanity, credits should be accorded directly by Governments.

VII. It appears to the Committee that one of the chief obstacles to the granting of credits is the absence in borrowing countries of sufficient security for ultimate repayment. The Committee therefore studied with attention, in the light of the general considerations enumerated above, all the proposals presented with a view to creating guaranties which would provide satisfactory security for exporters.

The Committee has been forced to recognize that no single system could by itself suffice to provide for the many different needs of the various countries, and that it is necessary to indicate a series of measures sufficiently elastic to be adapted afterward to every variety of circumstances.

For these reasons the Committee decided to make the following recommendations:

VIII. An international organization should be formed and placed at the disposal of states desiring to have resort to credit for the purpose of paying for their essential imports. These states would then notify the assets which they are prepared to pledge as security for the sake of obtaining credit, and would come to an understanding with the international organization as to the conditions under which these assets would be administered.

The bonds issued against this guaranty would be used as collateral for credits intended to cover the cost of commodities.

A plan based upon these principles is developed in Annex A. It has been devised to enable states to facilitate the obtaining of commercial credits by their nationals. It is easy to see that the scheme is susceptible of development in various directions, and that some of its provisions might be adapted so as to facilitate the extension of credit direct to public corporations.

<sup>1</sup>Reprinted from International Financial Conference. Provisional Verbatim Record, afternoon session, No. 16, Thursday, October 7, 1920, p. 189, 190-192.



A committee of financiers and business men should be nominated forthwith by the Council of the League of Nations for the purpose of defining the measures necessary to give practical effect to this proposal.

IX. It has been represented to the Committee that more complete results might be achieved if the bonds used as collateral were to carry some international guaranty.

The Committee sees no objection to the further consideration of this proposal. The Committee referred to in paragraph VIII above might usefully consider the conditions under which it could be applied.

## ANNEX A

### *International Organization for Financing Essential Imports*

1. In order that impoverished nations, which under present circumstances are unable to obtain accommodation on reasonable terms in the open market, may be able to command the confidence necessary to attract funds for the financing of their essential imports, an international commission shall be constituted under the auspices of the League of Nations.

2. The commission shall consist of bankers and business men of international repute, appointed by the Council of the League of Nations.<sup>1</sup>

3. The commission shall have the power to appoint sub-commissions and to devolve upon them the exercise of its authority in participating countries or in groups of participating countries.

4. The Governments of countries desiring to participate shall notify to the commission what specific assets they are prepared to assign as security for commercial credits to be granted by the nationals of exporting countries.

5. The commission, after examination of these assets, shall of its own authority determine the gold value of the credits which it would approve against the security of these assets.

6. The participating Government shall then be authorized to prepare bonds to the gold value approved by the commission,

<sup>1</sup>The commission was appointed in accordance with the recommendation at its Geneva meeting, November 14, 1920.

each in one specific currency to be determined on the issue of the bond.

7. The date of maturity and the rate of interest to be borne by these bonds shall be determined by the participating Government in agreement with the commission.

8. The service of these bonds shall be secured out of the revenue of the assigned assets.

9. The assigned assets shall in the first instance be administered by the participating Government or by the international commission as that commission may in each case determine.

10. The commission shall at any time have the right of making direct representations to the Council of the League of Nations as to the desirability of transferring the administration of the assigned assets either from the commission to the participating Government or from the participating Government to the commission.

11. The decision of the Council of the League of Nations on this question shall be binding.

12. After the preparation of these bonds the participating Government shall have the right to loan the bonds to its own nationals, for use by them as collateral security for importations.

13. The bonds shall be made out in such currencies and in such denominations as are applicable to the particular transaction in respect of which they are issued.

14. The participating Government shall be free to take or not to take security for the loan of these bonds from the nationals to whom they are lent.

15. The maturity and the rate of interest of the loan of the bonds shall be fixed by agreement between the participating Government and the borrower of the bonds; they need not be the same as the maturity and the rate of interest of the bonds themselves.

16. When making application to his Government for a loan of these bonds, the importer must furnish proof that he has previously obtained from the international commission express permission to enter into the transaction for which the bonds are to be given as collateral.

17. Each bond, before it is handed over by the participating

Government to the importer, shall be countersigned by the commission in proof of registration.

18. Having obtained the consent of the commission and received from them the countersigned bonds, the importer will pledge these bonds to the exporter in a foreign country for the period of the transaction.

19. The exporter will return to him on their due dates the coupons of the pledged bonds, and the bonds themselves on the completion of the transaction.

20. On receipt of the coupons and the bonds respectively, the importer will return them to his Government.

21. Bonds returned to the participating Government shall be canceled and may subsequently be replaced by other bonds, either in the same or in a different currency, up to an equivalent amount.

22. The exporter, or if he has pledged the bonds, the institution with which he has repledged them acting on his behalf, would be free, in the event of the importer not fulfilling the terms of his contract, to hold until maturity the bonds given as collateral by the importer, or to sell them in accordance with the custom in his country in case of default.

23. In the second alternative an option of repurchasing the bonds direct must first be given for a short period to the Government which issued them.

24. If a sale is resorted to and results in a surplus beyond what is necessary to cover the claims of the exporter upon the importer, the exporter shall be held accountable for that surplus to the Government which issues the bonds.

25. The revenues from the assigned assets shall be applied as follows to the service of the bonds.

26. Out of these revenues, the commission or the participating Government, as the case may be, shall purchase foreign currencies sufficient to meet at their due date the coupons on all bonds any time outstanding in the different foreign currencies.

27. In addition they shall establish abroad in the appropriate currencies a sinking fund calculated to redeem at maturity 10% of the bonds outstanding in each of the different countries.

28. Further, in addition to the amounts provided for payment of coupons and for the endowment of the sinking fund, they shall establish out of the assigned revenues a special reserve in one or more foreign currencies for the redemption of bonds sold in accordance with par. 22.

29. The amount to be set aside for the special reserve shall in each case be determined by the commission.

30. Any surplus remaining at the end of each year after the provision of these services shall be at the free disposal of the participating Government.

31. A participating Government shall have the right to offer its own bonds as collateral for credits obtained for the purpose of importations on Government account. The previous assent of the commission will in these cases also be required for the particular importations desired by the participating Government.

32. If a participating Government which has been in control of its assigned revenues should fail to fulfil its obligations, the exporter concerned will notify the commission and the commission will apply to the Council of the League of Nations for the transfer of the management of the assigned revenues to the commission.

33. The consent of the commission is necessary whenever bonds secured on the assigned assets are given as collateral and shall as a rule be accorded only for the import of raw materials and primary necessities.

34. The commission may, however, at its discretion, sanction in advance the importation of specified quantities of such goods.

35. Even in the case of imports under such a general sanction a notification of the particular transaction must be registered with the commission.

36. The assent of the commission must also be obtained in every case to the term of the credit which it is proposed to open.

## RECOMMENDATION FOR PERMANENT FINANCIAL AND ECONOMIC ORGANIZATION

THE PRESIDENT (speaking in French).—*Interpreter*.—Gentlemen, You may have noticed that all the concluding remarks of the four Committees had the same direction, that is to say, to ask the League of Nations to set up a permanent organization which would continue the work and the investigations which have been inaugurated here. I desire to inform you that the President received yesterday from M. Lambros Coromilas a suggestion which tended exactly in the same direction. M. Coromilas expressly formulated the idea and gave it a definite form. It was my duty to submit this suggestion to the Organizing Committee at its meeting this morning, and the Organizing Committee sent M. Coromilas the following letter:

TO M. COROMILAS.—The Organizing Committee, at its Session this morning, has taken note of the draft resolution which you have been kind enough to transmit to them in your letter of October 5th with reference to the establishment by the League of Nations of a permanent financial and economic organization. The Organizing Committee of the Conference has considered with deep interest the suggestions contained in your draft resolution: and they are glad to note that the same idea which inspires you, that is to say to see a permanent organization continue the work of collaboration which has been begun by this Conference, is to be found at the same time in the resolutions set forth by the four great Commissions of the Conference, each of which has expressed the wish that a permanent body should continue the work which has been begun here. Your draft resolution, therefore, is in perfect harmony, as far as its principle is concerned, with the various resolutions proposed by the several Commissions to this effect: it offers special interest, thanks to the practical suggestion of organization which you have introduced in your scheme. These suggestions seem to me to be particularly useful to the Council of the League of Nations in its discussions. It does not, however, seem to be possible for the Conference here to come to a decision on the exact and detailed method to be followed in setting up the organization which we are going to ask the Council of the League of Nations to set up. In fact, it does not come within our province to fix for the League of Na-



tions the minor conditions under which it will have to set up this body, in regard to which it will have to take account of the rules which are imposed upon the Council by the Covenant and its general regulations. I therefore intend, while forwarding to the Council of the League of Nations the resolutions passed by the Conference, to hand in your draft Resolution, and thus to help, thanks to your suggestion, in the study which is going to be undertaken on this question by the Council of the League of Nations.

M. Coromilas was kind enough to accept this procedure, and I thank him for doing so. He may feel assured that his suggestion, in the very form in which it was laid down, will be handed on to the Council of the League of Nations, with the recommendation that the greatest account shall be taken of it.

## APPENDIX I

### MEMBERS OF THE DELEGATIONS TO THE INTERNATIONAL FINANCIAL CONFERENCE, BRUSSELS,

SEPT. 24—OCT. 8, 1920

*Argentina*—Delegates of the Government: Alberto Blancas, Argentine minister to Belgium, and Carlos A. Tornquist, of Messrs. Tornquist & Co.; adviser: Dr. Alejandro E. Shaw; secretary: A. C. Bucnano.

*Armenia*—Mr. Bouniatian and Roubenc Berberian.

*Australia*—Delegates of the Government: J. R. Collins, C.M.G., permanent secretary of the Treasury; secretary: H. A. Peterson.

*Austria*—Delegates of the Government: Dr. Reisch, secretary of state for finance, Dr. Schueller, assistant under-secretary of the Austrian Foreign Office, and Dr. Simon.

*Belgium*—Delegates of the Government: M. Delacroix, prime minister and minister of finance, Paul Hymans, minister of foreign affairs, and Col. Theunis, Belgian delegate to the Reparation Commission; adviser: O. Lepreux; secretary: M. Plisnier, chef du cabinet of the ministry of economic affairs.

*Brazil*—Delegate of the Government: Julio Barboza Carneiro, commercial attaché to the Brazilian Embassy.

*Bulgaria*—Delegates of the Government: H. E. P. Hadjimisheff, minister plenipotentiary and president of the Bulgarian Delegation to the Peace Conference, Dimitar Strashimroff, publicist, and Dr. Nichola Stoyanoff, director of Bulgaria's public debts.

*Canada*—Delegates of the Government: Hon. Hugh Guthrie, minister of militia and defense in the Canadian Cabinet, J. H. Gundy, of Wood, Gundy & Co., and G. C. Cassels, assistant general manager of the Bank of Montreal.

*China*—Delegates of the Government: Sunthou Wei, Chinese minister in Belgium, and H. B. Morsc.

*Czecho-Slovakia*—Delegates of the Government: Mr. Posposil, director of a bank in Prague (Mestske-Sporitelna), B. Dusek, official of the ministry of foreign affairs, Karel Mecir, Czecho-Slovak minister at Brussels.

*Denmark*—Delegates of the Government: R. Gluckstadt, councilor of state, and Mr. Sthyr, official of the ministry of foreign affairs and acting secretary to the Danish legation in Paris.

*Finland*—Delegate of the Government: Otto Stenroth, chief director of the Bank of Finland.

*France*—Delegates of the Government: Eugène Lefèvre, secretary general of the Credit Lyonnais, M. de Fleuriau, minister plenipotentiary, and M. Avenol, financial inspector, financial delegate of the French Government; advisers: Pierre Cheysson, Dr. Siegfried and M. West.

*Germany*—Delegates of the Government: Herr Bergmann, state-secretary of the ministry of finance, Herr von Glasenapp, vice-president of the Imperial Bank, and Herr Franz Urbig, of the Disconto-Gesellschaft; advisers: Oberfinanzrat Kaufmann and Geheimer Hofrat Professor Dr. Lotz.

*Greece*—Delegates of the Government: Lambros Coromilas, Greek minister in Rome, Alexandre Diomedes, co-governor of the National Bank, and M. Lakatsas, director of the Comptabilité Générale of Greece.

*Guatemala*—Delegates of the Government: Guillermo Matos Pacheco, chargé d'affaires of the Guatemalan legation at Paris, and Juan de Putte, consul of Guatemala at Ghent.

*Holland*—Delegates of the Government: Professor M. W. F. Treub, former minister of agriculture, industry and commerce, C. E. ter Meulen, of Hope & Co., Bankers, Amsterdam, and A. R. Zimmermann.

*Hungary*—Alexander Popovits, T. Seitovszky, and Dr. Bela Schöber.

*India*—Delegates of the Government: H. P. Howard, late secretary to the Government of India (finance department), Sir Marshall Frederiek Reid, late member of the Council of the Secretary of State for India, and Sir Fazilbhoy Currimbhoy, representative of the Bombay Business Community; secretaries: G. W. P. Martin and S. Jan Mohomed.

*Italy*—Delegates of the Government: Dr. Maggiorino Ferraris, Senator, Dr. Vittorio Roland Ricci, Senator, and Professor Alberto Beneduce, Deputy; advisers: Ferdinando Quartieri and Signor Giannini.

*Japan*—Delegates of the Government: Kengo Mori, Japanese financial commissioner in London, and Toshikata Okubo, London manager of the Yokohama Specie Bank, Ltd.; secretaries: K. Aoki, chief secretary, K. Goto, and M. Hioki.

*Luxemburg*—Delegate of the Government: Joseph Steichen, councilor of state; secretary: Hamelius Ettienne.

*Norway*—Delegates of the Government: Dr. A. Raestalm, P. Volekmar, manager of Norwegian Bank of Commerce, and C. Smith.

*New Zealand*—Delegate of the Government: Colonel the Hon. Sir James Allen, K.C.B., high commissioner for New Zealand, and Colonel G. F. C. Campbell.

*Poland*—Delegates of the Government: Ladislav Grabski, minister of finance, John Stecowski, director of the Lemberg Land Bank, and Baron Manteufel, director of Credit Department, Finance Ministry; adviser: Mr. Markowski.

*Portugal*—Delegates of the Government: Dr. Affonso Costa, president of the Portuguese delegation, formerly president of the ministry and minister of finance, Inerencio Camacho, minister of finance, and Victorino Guimaraes, Reparation Commission delegate; advisers: Antonio Malheiro, director general of public accounts, Joao Ulrich, governor of the Banco Nacional Ultramarino, and Adriaac de Scixas, secretary general of the Bank of Portugal; secretary of the delegation: Alfredo da Cruz Nordeste, lawyer and assistant to the delegate at the Reparation Commission.

*Rumania*—Delegates of the Government: Profcссор D. Many, director of the ministry of finance in Transylvania, M. Halaceanu, formerly mayor of Bukharest, and M. Lepadatu, member of the Rumanian Academy; advisers: Eugene Neculcea and Professor George Tasca.

*Serb-Croat-Slovene State*—Delegates of the Government: Velisar Yankevich, finance minister, Montchelo Nintechich, minister of commerce, and Dragoliub Novakovich, director of the National Bank; adviser: Dr. Kostrecic.

*South Africa*—Delegates of the Government: R. A. Blankenburg, O. B. E., acting high commissioner for South Africa; adviser: Henry Strakosch, managing director of the Union Corporation; secretary to the delegation: Dr. C. Pohgeiter.

*Spain*—Delegates of the Government: The Marquis de Cortino, ex-crown minister; Manuel de Arguelles of Arguelles, secretary-general of the finance ministry, José Figueras, director of the Bank of Bilbao.

*Sweden*—Delegates of the Government: Marcus Wallenberg, director of Stockholm Enskilder Bank, and Oscar Rydbeck, managing director of the Scandinavian Bank; secretary of the delegation: Moritz Marcus, Ph. D.

*Switzerland*—Delegates of the Government: Dr. Alfred Frey, national councilor, president of the Swiss Union of Commerce and Industry, Rudolphe de Haller, ex-director of the Swiss National Bank, and Henri Heer, president of the Swiss Co-operative Society for the Development of Foreign Trade.

*United Kingdom*—Delegates of the Government: Lord Chalmers, G. C. B., formerly permanent secretary to H. M. Treasury, Lord Cullen, K. B. E., formerly governor of the Bank of England, and Henry Bell, general

manager of Lloyd's Bank; secretary of the delegation: F. W. Atterbury, late Royal Naval Volunteer Reserve.

*United States*—Unofficial representative: Roland W. Boyden, delegate near the Reparation Commission; assistants: Messrs. Hess and McLeod.

*Uruguay*—Delegates of the Government: M. Alberto Guani, Uruguayan minister to Belgium, and M. Abelardo Roy, consul-general of Uruguay in Belgium.

### REPRESENTATIVES OF STATES IN ATTENDANCE

*Esthonia*—Delegate of the Government: Johan Kukk, former minister of finance and member of the Constituent Assembly; advisers: Alexander Puchk, commercial agent of the Esthonian Government in London, Professor A. Piip, Esthonian minister in London.

*Latvia*—Delegate of the Government: G. W. Bisseneek, chargé d'affaires of Latvia in Great Britain; adviser: O. Grosvald.

*Lithuania*—Mr. Galvanowski.

In accordance with the decision of the Council of the League at San Sebastian, the Reparation Commission was invited to appoint a representative to attend the Conference.

Representatives of the International Relief Credits Committee, of the International Chamber of Commerce and of the Supreme Economic Council were present at Brussels.



## APPENDIX II

### DOCUMENTS PREPARED FOR THE INTERNATIONAL FINANCIAL CONFERENCE

**\*REPORT** of the Advisory Committee. London, Harrison & Sons, Ltd., 1920. 25 p. 33 cm.

**I. MEMORIAL** on the International Financial Situation. (a) Memorial to various Governments; (b) Reply by the British Chancellor of the Exchequer; (c) Reply by the late Secretary to the American Treasury; (d) Extract from the Annual Report of the Secretary to the American Treasury.

**II. ECONOMIC DECLARATION** of the Supreme Council, March 8, 1920.

**\*III. CURRENCY STATISTICS.** Introduction. (a) Rates of Exchange; (b) Rates of Discount; (c) Gold and Silver Reserves and Note Circulation; (d) Bank Deposits; (e) Wholesale Prices and Exchanges, preceded by explanatory note. London, Harrison & Sons, Ltd., 1920. 47 p. 28 cm.

**\*IV. PUBLIC FINANCE.** Introduction. (a) and (b) Budgets, 1919-1921; Tabular Statements; (c) National Debts and Loans; (d) Financial Statements; (e) Budget Summaries, 1919-1921. London, Harrison & Sons, Ltd., 1920. 97 p. 28 cm.

**\*V. INTERNATIONAL TRADE.** Introduction. (a) Special Trade (values) from 1913; (b) Trade (value) 1919, by countries of origin and consignment; (c) Trade (value and weight) 1919. Principal articles of import and export; (d) Appendix: Diagrams. London, Harrison & Sons, Ltd., 1920. 68 p., 50 diagrams, 28 cm.

**VI. REPORT** of the Consultative Food Committee to the Supreme Economic Council.

**VII. OFFICIAL STATISTICS** of Retail Prices. Memorandum by Professor Arthur Lyon Bowley.

**VIII. COAL STATISTICS.** Introduction Tables of Production and Consumption.

**IX. THE EUROPEAN TRANSPORT** Situation. A report compiled by the Communication Section, Supreme Economic Council.

**\*X. RELIEF CREDITS** and the Promotion of Export. A summary of Government measures. Introduction. (a) Memorandum by the Relief Credits Committee; (b) American Measures to promote Export; (c) British Export Credits Scheme; (d) French National Bank for Foreign Trade.

**\*XI. EXCHANGE CONTROL.** (a) Introduction and Summary of Decrees; (b) Texts of Decrees.

**\*XII. SOLUTIONS PROPOSED.** A summary of schemes for remedying present financial difficulties.

**\*XIII. MONETARY PROBLEMS.** Memoranda prepared by Economic Experts.

Four additional parts were printed as follows:

2. Memorandum prepared by Dr. G. W. J. Bruins.

3. Memorandum on the World's Monetary Problems by Prof. Gustav Cassell.

4. Memorandum on Credit Currency and Exchange Fluctuation by Prof. A. G. Pigou.

5. Notes on the Financial and Monetary Situation by Charles Gide.

**\*XIV. PRICE OF SILVER.** Memorandum by Mr. G. Findlay Shirras. London, Harrison & Sons, Ltd., 1920. 18 p. 28 cm.

**CURRENCIES AFTER THE WAR.** A survey of conditions in various countries. Compiled under the auspices of the International Secretariat of the League of Nations. London, Harrison & Sons, Ltd., 1920. XVI, 254 p. 22 cm.

This volume on the finances, foreign trade, and exchanges of the principal countries of Europe, Asia and America, has been compiled under the auspices of the League of Nations Secretariat by a number of well-known financiers and economists of different nationalities. It presents a striking picture of the changes which have taken place as a result of the war in the world's currencies and balance of trade.

\*Available at prices ranging from 1s. to 7s. 6d., plus postage, from Harrison & Sons, Ltd., 44-47 St. Martin's Lane, London, W. C. 2. All documents are in French and English, Nos. 12, 13 and 14 and Currencies after the War being available in either language separately.

# Present Membership of the League of Nations

Argentine Republic

Australia

Belgium

Bolivia

Brazil

British Empire

Canada

Chile

China

Colombia

Cuba

Czecho-Slovakia

Denmark

France

Greece

Guatemala

Haiti

Hedjaz

India

Italy

Japan

Liberia

Netherlands

New Zealand

Norway

Panama

Paraguay

Peru

Persia

Poland

Portugal

Rumania

Salvador

Serbia

Siam

South Africa

Spain

Sweden

Switzerland

Uruguay

Venezuela

Ecuador is considering the treaty of peace in the current Congress.

Nicaragua has ratified, but the formalities of depositing the ratification are not yet complete.

Honduras has completed the parliamentary stage of ratification.

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**World Peace Foundation**

40 Mt. Vernon Street

**Boston 9, Massachusetts**

# LEAGUE *of* NATIONS

Vol. III, No. 6

December, 1920

## **Work of the Council** **Report by the Secretary-General** to the **First Assembly of the** **League of Nations** Presented November 15, 1920

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## **II** **German Reparations**

Published Bimonthly by the  
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# World Peace Foundation

Boston, Massachusetts

FOUNDED IN 1910 BY EDWIN GINN



The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

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The idea of force can not at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard or Police Force*.—Edwin Ginn.

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\*Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

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# REPORT BY THE SECRETARY-GENERAL

## TO THE

### FIRST ASSEMBLY OF THE LEAGUE ON THE WORK OF THE COUNCIL.

#### I. THE ORGANIZATION OF THE LEAGUE

##### 1. THE SESSIONS OF THE COUNCIL

The Council met for the first time in Paris on January 16, 1920, within six days of the ratification of the treaty of Versailles. The meeting was convened by the President of the United States in conformity with Article V of the Covenant.

The Council elected M. Bourgeois to the chair. It has been the practice of the Council, pending the establishment of the League at its permanent seat, to elect as President for each session the representative of the Member of the Council in whose country the session was convened. A list of the sessions of the Council with the questions considered is appended as an annex to this Report.

##### 2. THE FINANCES OF THE LEAGUE

The Council has approved the three first budgets of the League. The first budget covers the preliminary period of the work of the League from May 5, 1919, to June 30, 1920. The second budget covers the six months July 1 to December 31, 1920. The third budget covers the calendar year 1921. All three budgets were approved by the Council subject to ratification by the Assembly.

The Council has decided that the financial year of the League shall correspond with the calendar year. The Secretary-General has been instructed to present the budget of the League three months before the end of the financial year, and the accounts within four months following its termination. Under Article II of its rules of procedure, the Council undertakes to present the budget each year for final approval by the Assembly as soon as circumstances permit.

Accounts for the preliminary period ending June 30, 1920, have been

audited by the comptroller and auditor general of the British Treasury. The Council invited the British Government to audit these accounts in view of the fact that the Secretariat was established in London during the period covered by the first budget of the League.

The Council decided to communicate these accounts to all Members of the League, and to publish them in the *Official Journal*.

Article VI of the Covenant provides that the expenses of the Secretariat shall be borne by the Members of the League, according to the scale of assessment adopted for the Universal Postal Union. This scale of assessment, though it has necessarily been followed in drafting the first budgets of the League, seems hardly likely to prove satisfactory as a permanent arrangement. A technical committee, appointed from among the delegates of the International Financial Conference was accordingly asked to advise the Council on the principles of assessment which should serve as a guide in estimating the financial capacity of the contributory states. The committee was of the opinion that the best indices of financial capacity were population and net revenue. The Council during its session at Brussels decided to refer the question to the committee of the Assembly which will deal with financial questions.

Owing to the fact that the national Parliaments of Members of the League meet at different times, it is not equally convenient for all states to pay their contributions as soon as they fall due. The League may therefore be compelled to borrow money in order to meet its ordinary expenditure. The interest on such money has to be paid both by the Members who have paid and those who have not paid their contributions. This is clearly inequitable. The Council decided at Brussels to ask the committee of the Assembly which will deal with financial questions to make further study of the question.

Members of the League are now asked to make their payments in gold francs, and the second and third budgets of the League were drawn up on that basis.

The Council decided at Brussels that the salaries of the Members of the Permanent Secretariat, which had hitherto been paid in sterling, should be paid in gold francs at the rate of 20 gold francs to the £1 from the date of their arrival in Geneva.

### 3. PREPARATIONS FOR THE ASSEMBLY

The Council telegraphed to the President of the United States on May 19 asking him, in virtue of the powers conferred upon him by Article VI of the Covenant, to convene the Assembly during the first fortnight of November. On July 12 President Wilson, in response to this invitation, summoned the Assembly to meet on November 15 in Geneva.



The Council adopted a resolution on August 9 to the effect that, pending the election by the Assembly of its president, the chair at the first meeting of the Assembly should be taken by the acting president of the Council.

#### 4. ACCESSIONS TO THE LEAGUE: THE CASE OF SWITZERLAND

There are under the Covenant three groups of Members or possible Members of the League:

- a. Signatories of the treaty of Versailles or of Saint Germain.
- b. States invited under the Covenant to accede within two months of the coming into force of the treaty of Versailles.
- c. States whose admission is approved by the Assembly under Article I.

No difficulty has arisen with regard to the states in group *a*, and a separate report is being presented to the Assembly on the states desiring to be included in group *c*.

The Council was required to take an important decision with regard to Switzerland, a state belonging to group *b*.

Switzerland desired to have her military neutrality and the inviolability of her territory recognized as consistent with her membership of the League.

The Council considered the claim of Switzerland in the light of Article 435 of the treaty of Versailles, whereby the Members of the League, signatories of the treaty, recognize that the guaranties in favor of Swiss neutrality contained in the treaties of 1815 "constitute international obligations for the maintenance of peace."

The Council declared that the "perpetual neutrality of Switzerland and the guaranty of the inviolability of her territory as incorporated in the law of nations, particularly in the treaties and in the act of 1815, are justified by the interests of general peace and as such are compatible with the Covenant." It was understood, however, that Switzerland, while refusing to participate in military action or to admit the passage of foreign troops, fully recognized the duties of solidarity she was incurring as a Member of the League, particularly the duty under Article XVI of participating in any economic action taken by the League against a covenant-breaking state.

Stress was laid on the fact that the position of Switzerland was quite exceptional, and that the action of the Council was not, therefore, to be regarded as a precedent.

#### 5. THE REGISTRATION OF TREATIES

The purpose of Article XVIII of the Covenant is to insure publicity for international engagements, and to provide in future for a system of open

diplomacy. The Council has interpreted in the widest practicable manner the obligations of the League in this connection.

The Council has authorized the Secretariat to register all treaties, engagements, or acts establishing obligations between states, whether concluded before or after the Covenant, and it is hoped that even treaties concluded between parties neither of which is a Member of the League will be voluntarily presented for registration.

All Members of the League have been invited to conform with the stipulations of Article XVIII of the Covenant and the Secretariat has already begun to register the treaties presented.

#### 6. THE PERMANENT ARMAMENTS COMMISSION

A Permanent Armaments Commission has been constituted under Article IX of the Covenant to advise the Council on the execution of Articles I and VIII, and on military, naval and air questions generally. This Commission consists of one naval, one military and one air representative nominated by each of the powers represented on the Council. Any other Member of the League will be represented when a question affecting it is under discussion. The Commission is divided into three subcommissions, which deal respectively with military, naval and air questions. These subcommissions have established permanent Secretariats at the seat of the League.

The Commission assembled for the first time at San Sebastian, and held meetings during the eighth session of the Council. It met again during the tenth session of the Council at Brussels, and presented a report which the Council carefully considered.

The Commission has been asked to advise the Council on the following questions:

1. The use of poisonous gas in warfare;
2. The military, naval and air conditions to be accepted by states seeking admission to the League (par. 2 of Art. I of the Covenant);
3. The control of the traffic in arms and munitions (par. 3 of Art. XXIII of the Covenant);
4. The constitution and composition of the organization to be placed at the disposal of the League for the exercise of the right of investigation to be conducted under Article 213 of the treaty of peace of Versailles,<sup>1</sup> Article 159 of the treaty of peace of St. Germain, Article 104 of the treaty of peace of Neuilly, and Article 143 of the treaty of peace of Trianon;

<sup>1</sup>"So long as the present treaty remains in force, Germany [as respects the military, naval and air clauses] undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary."

Austria, Bulgaria and Hungary "undertake to submit to any investigation," etc.

5. Preliminary inquiries to serve as a basis for proposals for the execution of Article VIII of the Covenant.

1. The Commission reported that the use of gas was a fundamentally cruel method of carrying on war, but that it would be useless to seek to restrict the use of gas in war by prohibiting or limiting its manufacture in peace time, or to prohibit laboratory experiments.

The Council condemned the use of poisonous gas in war and decided to propose to the Governments that they should consider what penalties might be imposed in case of necessity upon any nation taking the first step to infringe the rules of humanity by making use of it. It also decided to seek, with the assistance of competent scientists, effective methods of preventing eventually the manufacture of poisonous gas.

2. The Council noted recommendations and conditions concerning the military, naval and air forces of Armenia, Costa Rica, Esthonia, Finland, Georgia, Iceland, Latvia, Liechtenstein, Lithuania, Luxemburg and Monaco-San Marino.

The Council was of opinion that these recommendations could for the moment be accepted subject to the understanding that the countries in question were prepared to accept any general scheme of disarmament which might be subsequently approved for all Members of the League. The Council further considered that the attention of the Assembly should be drawn to the necessity of a thorough preliminary examination before deciding upon the admission to the League of states whose geographical and political position made it impossible to decide definitely the extent of their forces.

3. The Council agreed that the establishment of a Central International Office for restricting the traffic in arms and munitions could not be usefully considered until the convention of St. Germain was in force.<sup>1</sup>

4. The Council agreed that each subcommission should request its delegates to obtain from their respective Governments opinions concerning the organization necessary to conduct the investigation authorized by Article 213 of the treaty of Versailles and analogous articles of the peace treaties so that the Commission might be perfectly informed on the question when it came up for discussion at its next meeting at Geneva.

5. The Commission informed the Council that it had decided to examine practical methods for obtaining rapidly, when the Council should decide to do so, all necessary information regarding armaments, and the

<sup>1</sup>Convention for the control of the trade in arms and ammunition, signed September 10, 1919, Article 5 of which provides:

"A Central International Office, placed under the control of the League of Nations, shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in, and distribution of, the arms and ammunition specified in the present Convention."

principles on which future schemes for a reduction of armaments might be based. The Council noted this declaration and asked that it might at once be informed when the Commission desired to report any further progress.

7. **RECOMMENDATIONS ADDRESSED TO THE COUNCIL BY THE COMMITTEE OF INTERNATIONAL JURISTS AT THE HAGUE**

The International Committee of Jurists at The Hague appended to its scheme for the establishment of a Permanent Court of International Justice three recommendations which were considered by the Council during its session at Brussels.

The Committee in its first recommendation suggested that a conference on international law should be summoned, to be followed at fixed intervals by other similar conferences, to continue the work of the two Peace Conferences at The Hague in 1899 and 1907. The object of these conferences would be to fix and codify international law, to re-establish existing rules of international law affected by the events of the recent war, and to formulate and approve the necessary modifications.

The Committee suggested that a number of international organizations, namely the Institute of International Law, the American Institute of International Law, the Union Juridique Internationale, the International Law Association and the Iberian Institute of Comparative Law, should be invited to prepare draft plans for submission to the various Governments and to the conference for carrying out the work proposed.

The Council decided to propose that the international organizations abovementioned should be invited to consider what subjects might with advantage be included in the program of the conference.

The Council further decided that after they had received the views of the organizations abovementioned it would ask the Governments of the states Members of the League to inform it of their views as to the advisability of summoning the proposed conference, and to state what questions the conference should, in the opinion of the Governments, consider.

The Council, on receipt of the opinions of the Governments, proposes again to consult the international organizations with regard to the subjects which the Governments agree to submit to the conference, and to ask the international organizations for draft schemes to the Governments, and summon the conference.

The Committee of International Jurists in their second recommendation suggested that a High Court of International Justice should be constituted to try in future such crimes constituting a breach of international public order or against the universal law of nations as are referred to it by the Assembly or by the Council of the League.



The Council decided to adopt the same procedure with regard to this recommendation as for the first recommendation. The international organization and the Governments would, in the same way, be consulted before any definite step could be taken.

The third recommendation of the Committee of International Jurists is not addressed to the League. It is proposed in this recommendation that the Academy of International Law, founded at The Hague in 1913, should be enabled to take up its duties as soon as possible beside the Permanent Court of International Justice and the Permanent Court of Arbitration at the Peace Palace at The Hague. The International Law Academy was set up by the Carnegie Foundation, and is furnished with a special curatorium. The Council decided to transmit this recommendation to the Assembly, to the Carnegie Foundation and to the curatorium.

The Council further decided that when the conference on international law comes together, as contemplated in the first recommendation of the jurists, it should be asked to consider and to determine the methods whereby the Permanent Court of International Justice may be given rights of jurisdiction without a previous special convention between the parties being necessary, apart from cases where the court possesses jurisdiction without agreement between the contesting parties by virtue of treaties which are now in force.

#### 8. OBLIGATIONS OF THE LEAGUE UNDER ARTICLE XXII OF THE COVENANT (MANDATES)

The Council decided at San Sebastian to proceed as follows in fulfilment of the obligations incurred by the League under Article XXII of the Covenant:

(1) To request the Principal Powers (a) to name the powers to whom they have decided to allocate the mandates provided for in Article XXII; (b) to inform it as to the frontiers of the territories to come under these mandates; (c) to communicate to it the terms and the conditions of the mandates that they propose should be adopted by the Council following the prescriptions of Article XXII.

(2) To take cognizance of the mandatory powers appointed and to examine the draft mandates communicated to it, in order to ascertain that they conform with the prescriptions of Article XXII of the Covenant.

(3) To notify to each power appointed that it is invested with the mandate, and, at the same time, to communicate to it the terms and conditions.

(4) To instruct the Secretary-General to prepare a draft scheme for the organization of the Commission of Control provided for by Article XXII, par. 9.



The Council takes a wide view of the powers of supervision over mandatories intrusted to the League. The League must be satisfied that the mandatories make a good use of their powers, and that their administration conforms with the interests of the native population.

The Council instructed the Secretary-General, in drawing up the scheme for the commission of control provided for by Article XXII, 9, to have special regard to the necessity of setting up an absolutely impartial body. In particular the Council decided that this commission should contain a majority of members chosen from non-mandatory powers, and suggested that it might be well to frame a rule whereby no member of the Commission would vote upon a report of the state or empire of which he was a representative.

The Council again considered the mandates question during its session at Brussels and addressed further communications to the principal powers. It adopted, as a basis for further discussion, proposals for the constitution of the mandates commission drafted by the Secretary-General in accordance with the suggestions put forward at San Sebastian. In view of the importance of allowing as much time as possible to the principal powers the Council decided that it would defer the presentation to the Assembly of a report on this subject till the latest possible date.

#### 9. THE INTERNATIONAL LABOR ORGANIZATION—CO-OPERATION BETWEEN THE SECRETARIAT AND THE INTERNATIONAL LABOR OFFICE

The Council has recognized the International Labor Organization as constituted by the first Labor Conference held at Washington in November, 1919, and has affirmed the principle of a close co-operation between the International Labor Office and the Secretariat of the League.

The relations of the International Labor Office with the Secretariat are determined by Articles 398 and 399 of the treaty of Versailles. The International Labor Office is entitled to the assistance of the Secretary-General of the League in any matter in which it can be given, and the expenses of the Labor Organization are paid to the Director of the Labor Office by the Secretary-General, out of the general funds of the League. The Director of the Labor Office is responsible to the Secretary-General for the proper expenditure of all moneys paid to him, but the budget of the Labor Organization is approved by the Governing Body of the Labor Organization.

The Council approved an arrangement made by the Secretary-General under which certain services of the Secretariat were common to both organizations during the period when both bodies were located in London. The Council has also sanctioned an advance of £33,000 made by the

Secretary-General to cover the expenses of the Washington Conference and the establishment of the Labor Office.

#### 10. THE CO-ORDINATION OF INTERNATIONAL STATISTICS

In the autumn of 1919 a conference of statisticians which met in London on the invitation of the Secretary-General urged that steps should be taken by the League of Nations to promote the centralization and co-ordination of statistics.<sup>1</sup>

The Council, during its session at Rome, decided to appoint a Commission to advise what steps should be taken to this end.

The constitution of the Commission was fixed by the Council during its session at San Sebastian, and the Commission was summoned to meet in Paris on October 10.

The result of the work of the Commission was reported to the Council during its session at Brussels.

The Commission had been unable to agree unanimously upon the scheme to be adopted in the co-ordination of statistics for international purposes.

The Council noted the points on which unanimity had been reached by the Commission, and decided to forward to the Governments the reports of the Commission, drawing attention to the points on which there had been a divergence of opinion, and requesting their opinions with a view to further consideration of the subject.

#### 11. SPECIAL REPORTS ON THE ORGANIZATION OF THE LEAGUE PRESENTED TO THE ASSEMBLY

The following subjects which would naturally fall within this section of the report on the work of the Council have been dealt with in special reports presented to the Assembly:

1. The organization and the work of the Secretariat.
2. Passports for the officials of the League.
3. The budgets of the League:
  - a. First and second budgets;
  - b. Provisional estimates for 1921.
4. The future method of apportionment of the expenses of the League.
5. The relations between, and respective competence of, the Council and Assembly of the League.
6. Admission of states not mentioned in the Annex to the Covenant.

<sup>1</sup>See League of Nations, E. & F. I. Conference on International Co-operation in Statistics, August 14 and 15, 1919.

7. Plans for the establishment of the Permanent Court of International Justice.

8. The establishment of a permanent organization to deal with communications and transit questions falling within the sphere of the League under the treaty of Versailles.

9. The constitution of a Permanent Economic and Financial Organization.

10. The institution of a Permanent Health Office.

11. The relations of the Permanent Technical Organizations of the League with the Council and with the Assembly.

12. Mandates: Obligations of the League under Article XXII of the Covenant.

13. Preliminary measures for the execution of Article XVI of the Covenant (The Economic Weapon).

14. The appointment of a League representative to assist in the supervision over the execution of agreements with regard to the traffic in women and children.

15. The claim of India to be represented on the Governing Body of the International Labor Office.

## II. POLITICAL DUTIES OF THE LEAGUE

### A. SPECIAL OBLIGATIONS ARISING OUT OF THE TREATY OF VERSAILLES

#### 1. THE FREE CITY OF DANZIG

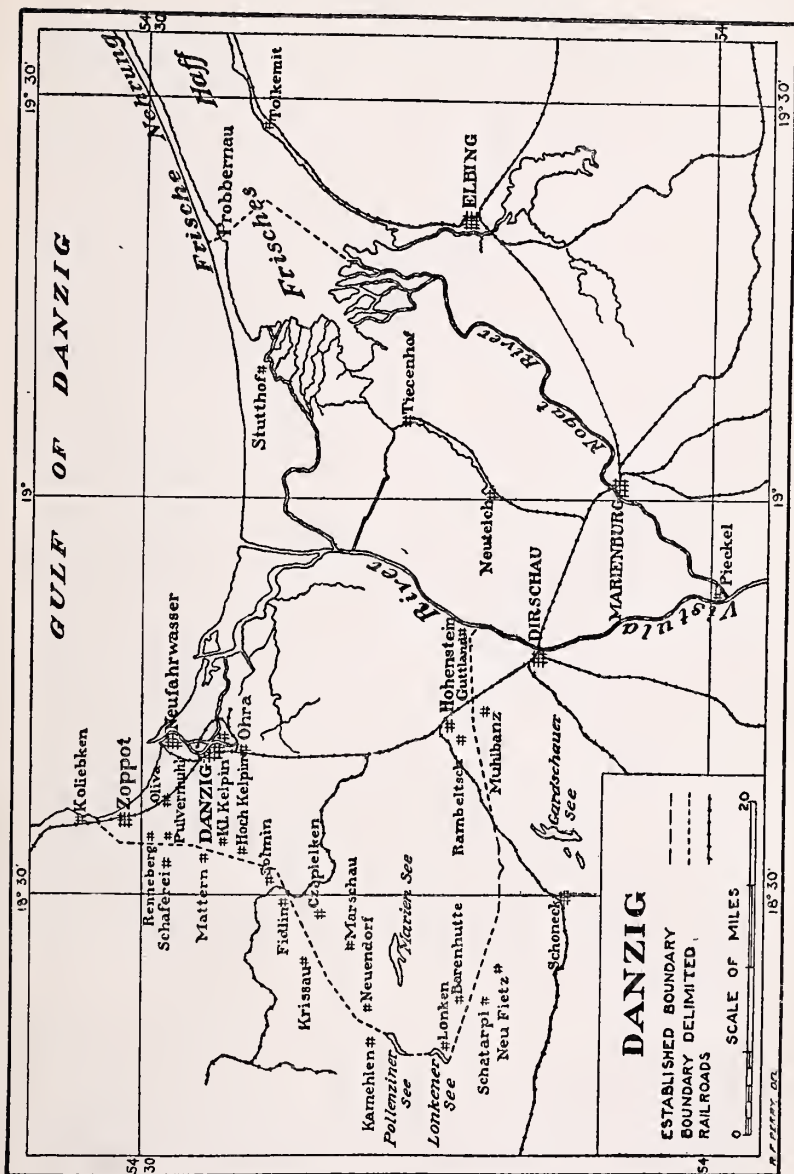
Paragraph 1 of Article 100 of the treaty of peace of Versailles provides that Germany shall renounce in favor of the Principal Allied and Associated Powers all rights and titles over the City and Territory of Danzig as defined in the ensuing paragraphs of the Article.

Article 102 of the treaty of Versailles provides that the Principal Allied and Associated Powers shall establish Danzig and the territory defined in Article 100 of the treaty, as a Free City to be placed under the protection of the League of Nations.

Article 103 provides that a constitution for the Free City shall be drawn up by duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League. The constitution, when drawn up, is to be placed under the guaranty of the League.

The High Commissioner is further intrusted under this Article with the duty of dealing in the first instance with all differences arising between Poland and the Free City concerning the treaty of Versailles and any supplementary arrangements or agreements.

Article 104 provides that a treaty, the terms of which are to be negotiated by the Principal Allied and Associated Powers, shall be



concluded between the Polish Government and the Free City in order to assure to Poland the exercise of the rights which she derives from this article within the territory of the Free City. This treaty is to come into force at the same time as the establishment of the Free City.

The principal powers, on the coming into force of the treaty of Versailles, appointed Sir Reginald Tower temporary administrator of Danzig.

In order to expedite the elaboration of the Constitution of Danzig the Council of the League, acting under Article 103, appointed Sir R. Tower High Commissioner of the League. Sir Reginald Tower has, thus, a two-fold office. He is temporary administrator of Danzig for the Allies, and as High Commissioner for the League he is responsible for carrying into effect the first part of Article 103. As High Commissioner for the League he has kept the Council of the League continuously informed on all matters relating to the preparation of the Constitution.

The Council, in appointing Sir R. Tower as High Commissioner, instructed him to arrange for the election of the representatives who were to draw up a constitution for the Free City on as broad and democratic a basis as possible.

The Council subsequently approved a scheme submitted by Sir R. Tower for electing the representatives of the city. The Constituent Assembly met and drafted a Constitution. This Constitution was presented to the Council during its session at Brussels.

The Council had not, however, at that time had any opportunity of studying the treaty between Poland and Danzig as drafted by the Conference of Ambassadors. It was felt, moreover, that there were points in the Constitution which required careful examination. The Council, therefore, decided that the question of giving to the Constitution the guaranty of the League and of taking the Free City under the protection of the League should be postponed until its next meeting. It was decided at the same time that the Polish Government should be invited to send a representative to attend the Council in order to present the views of the Polish Government on the Constitution and that the Constituent Assembly should be asked to send a representative to Geneva when the matter was discussed in order to give the Council any information it might require.

## 2. THE SAAR BASIN

Under Article 48 of the treaty of peace of Versailles the Council of the League has nominated three of the five members of the Saar Frontier Delimitations Commission.

The Council had further to nominate the members of the Governing Commission of the Saar under paragraphs 16 and 17 of Chapter II of the





Annex to Section 4, Part III, of the treaty of Versailles. The Commission was to consist of five members of whom one was to be French, one a native of the Saar and of whom three were to be natives of countries other than France and Germany.

The Governing Commission was constituted by the Council as follows:

French Member . . . M. Rault (President)  
Saar Member . . . . M. de Boch  
Major Lambert  
Count Moltke-Huitfeldt  
Mr. Waugh.

Of the three members, natives of countries other than France and Germany, the first is Belgian, the second Danish, and the third a Canadian.

The Council subsequently appointed Dr. H. Hector to be Saar member of the Commission in place of M. de Boch, who resigned.

The Council decided that the French member of the Commission should be president in view of the special economic interests of France in the territory of the Saar and the close economic relationship which would have to be maintained between the Territory of the Saar and the provinces of Alsace and Lorraine.

The Governing Commission of the Saar, as representing the League of Nations, has in accordance with the instructions of the Council, submitted regular monthly reports upon its administration and upon general conditions in the Territory of the Saar.

The Council has taken an important decision on the subject of petitions addressed to it by the inhabitants of the Territory of the Saar. It was realized that such petitions, if allowed to come direct to the Council, would impair the authority of the Saar Government. It was felt, on the other hand, that the Council ought to have knowledge of petitions addressed to the League. It was accordingly decided that petitions should not be addressed directly to the Council by individuals requiring redress, but that they should in all cases be addressed to the Saar Government, who, in turn, should forward them to the Council.

### 3. EUPEN AND MALMÉDY

Under Article 34 of the treaty of Versailles, the League is required to decide whether the transfer to Belgium of the sovereignty of Germany over the districts of Eupen and Malmédy shall be definitive. The League is required to decide the question after the Belgian Government has communicated to it the result of a public expression of opinion held under the auspices of the Belgian authorities, and designed to give to the people

of the districts an opportunity to record their desire to see all or part of the territory in question remain under German sovereignty.

During this public expression of opinion the German Government addressed to the President of the Supreme Council and to the Secretary-General of the League of Nations a series of notes protesting that the Belgian Government was making it impossible for the people of Eupen and Malmédy freely to register their wishes. The German Government proposed that a Commission should be appointed by the League of Nations to supervise the consultation of the people in these districts.

The Council of the League took the view that the League had no right under the treaty to intervene in Eupen and Malmédy until the Belgian Government had communicated the results of the consultation of the people, and until the interval of six months prescribed by the treaty had elapsed.

The results of the public expression of opinion were in due course communicated to the Council by the Belgian Government. The Council decided that the arrangements made by the Belgian authorities for the public expression of opinion were in conformity with the spirit and letter of Article 34 of the treaty of Versailles, and, after having considered the German protests and the results reported by the Belgian Government, definitely confirmed the transfer of the districts to the sovereignty of Belgium.

The German Government protested against this decision in a communication addressed to the Secretary-General, in which it denied the competence of the Council to deal with the matter. The Council during its session at Brussels affirmed its competence under the Covenant and discussed the German protest.

The Council has also had to consider a protest from the German Government regarding an alleged breach of the treaty of Versailles by the Delimitation Commission charged with fixing the frontier between Germany and Belgium. The Council did not feel competent to take any action in the matter.

## B. GENERAL DUTIES IN THE INTERESTS OF PEACE AND JUSTICE

### 1. THE PROTECTION OF ARMENIA

The Council of the League was notified by telegram on March 12 of a proposal put forward on behalf of the Supreme Council that Armenia should be placed under the protection of the League of Nations.

The Council of the League, in its reply to the Supreme Council, expressed warm desire to co-operate in the establishment of an Armenian Republic upon a safe and independent basis. It was represented, how-

ever, that the League was not a state; that it had no military or financial resources; and that the Covenant of the League did not contemplate the exercising of a mandate by the League itself.

The Council suggested that the future of the Armenian nation would best be assured if a Member of the League or some other power could be found willing to accept a mandate under Article XXII.

The Council offered to inquire whether any Member of the League would accept a mandate for Armenia, provided the Supreme Council would assure to the Republic of Armenia the evacuation of the territories assigned to it under the treaty, secure to the republic free access to the sea, and provide for the defense of Armenian territory until it could be assured by other means. The Council of the League further asked the Supreme Council whether it would give a provisional financial guaranty to the independent Republic of Armenia on the understanding that the Council of the League would recommend the Assembly to put the finances of the republic on a sound basis by guaranteeing a loan from all states Members of the League.

The Supreme Council subsequently informed the Council of the League that it was asking the President of the United States whether the United States of America would accept a mandate for Armenia, and that it was further inviting him to arbitrate on the boundaries between Turkey and Armenia in the vilayets of Erzerum, Trebizond, Van and Bitlis, and on the question of the access of Armenia to the sea. The Supreme Council undertook to communicate to the Council of the League President Wilson's reply, and to consider the matter further in close consultation with the Council of the League.

The Council of the League in a reply to this intimation of the Supreme Council on May 29, said that it was well satisfied with the solution of the Armenian problem suggested by the Supreme Council; but that, in the event of it being necessary to study the question further, it would be happy to know that the Supreme Council was prepared to examine the points previously submitted in order that some other power might be induced to accept a mandate. The Council of the League again declared that it was ready to do all in its power to assist the Supreme Council in assuring the future security of Armenia.

On September 20 the Council instructed the Secretary-General to ask the Supreme Council whether it desired the Council of the League to submit to the Assembly the proposals for assisting Armenia previously put forward, particularly as regards the financial guaranty to be furnished to Armenia by the Members of the League.

The Council has received several direct appeals from the Armenian Government. On May 13 the President of the Armenian Delegation in Paris had informed the President of the Council of the League of the



immediate danger to Armenia arising from the attitude of Azerbaidjan and a hostile concentration of Turkish nationalist troops. The Council of the League decided that this appeal should be forwarded to the Supreme Council of the Allies.

On October 6 and October 12 the president of the Armenian Delegation in Paris addressed renewed appeals to the Council of the League for assistance to meet a further attack by Turkish nationalist troops.

The Council did not feel that it could do more than forward the Armenian appeals to the powers which had signed the treaty of Sèvres. It accordingly forwarded these appeals to the heads of the Governments of the four powers represented on the Supreme Council, urging that the frontiers of Armenia should be defined and reminding them of its former offer to consult and collaborate with the Supreme Council in any action likely to insure the future security of the Armenian Republic.

## 2. THE PROTECTION OF MINORITIES IN THE OTTOMAN EMPIRE

The Council received on May 12 a telegram from the president of the Council of Foreign Ministers and Ambassadors, forwarding for consideration a number of recommendations to the effect that the provisions of the treaty of peace with Turkey for the protection of minorities in the Ottoman Empire should be placed under the guaranty of the League, and that the League should co-operate in their execution.

The treaty of peace with Turkey provides, *inter alia*, for the appointment of mixed commissions charged with important duties in connection with the indemnifying of persons belonging to the Turkish minorities who have suffered in their persons or their property from measures authorized by the Turkish Government during the war.

The Council of the League, in its reply to the Supreme Council, said it was prepared to nominate qualified persons as members of these commissions, on the understanding that the members so nominated would act under the control and responsibility of the high contracting parties to the treaty.

The Council could make no definite declaration regarding the minority clauses as a whole, or regarding their guaranty and execution, as at that time they had not been drafted in their final form.

The question of the protection to be afforded the Turkish minorities has since been the object of several communications between the representatives of the League and those in charge of the treaty.

The treaty with Turkey was signed on April 10, but has not yet been ratified. It prescribes that the Allied Powers shall determine in agreement with the Council of the League the measures necessary to guarantee the execution of the minority clauses.



### 3. THE PROTECTION OF MINORITIES IN POLAND, AUSTRIA AND BULGARIA

The treaty between Poland and the Principal Allied and Associated Powers, providing, *inter alia*, for the protection of persons belonging to racial, religious or linguistic minorities, was ratified simultaneously with the treaty of peace of Versailles. Article 12 of this treaty provides that the stipulations of Articles 1 to 11 constitute obligations of international concern, and that they shall come under the guaranty of the League of Nations.

The Council on February 11 noted its obligations and consented to guarantee the stipulations of Articles 1 to 11 so far as they affect persons belonging to racial, religious or linguistic minorities.

### 4. THE RECIPROCAL EMIGRATION OF MINORITIES IN GREECE AND BULGARIA

Article 8 of the treaty concluded on November 27, 1919, between Greece and Bulgaria concerning the reciprocal and voluntary emigration of ethnical, religious or linguistic minorities in Greece and Bulgaria, provides for the nomination by the Council of the League of two members of the Mixed Commission intrusted with the execution of the treaty.

The treaty was ratified on April 9, 1920. On September 20, the Council provisionally approved the nomination of two persons, nationals of states disinterested in the questions with which the Commission will deal, and instructed its acting president to take such steps as were necessary for making final appointments.

The Council, in taking this step, recalled a decision, reached during its session in April, 1919, concerning the protection of minorities in Turkey, and, in consenting to nominate the two members of the Mixed Commission, formally stated that, in the absence of any material means for enforcing a decision, it must be understood that the members of the Commission would fulfill their duties under the authority and on behalf of Greece and Bulgaria.

The Council during its session at Brussels similarly noted and accepted its obligations under the treaty of peace between the Allied and Associated Powers and Austria signed at St-Germain-en-Laye on September 10, 1919, and under the treaty of peace between the Allied and Associated Powers and Bulgaria signed at Neuilly-sur-Seine on November 27, 1919.

It is right and the duty of the powers represented on the Council to call attention to any infraction or danger of infraction of any of the obligations toward minorities. Minorities may themselves petition or report to the League, but the Council is only competent to deal with the matter if one of its Members actually draws attention to it.

The Council has decided that the Secretary-General, in conformity with

the practice already adopted for all documents distributed for its information, shall forward all such petitions or reports to all Members of the League, a procedure which will insure publicity for any case that may arise.

The Council during its session at Brussels formally invited its members to draw the special attention of their Governments to the duties laid on the powers represented on the Council in connection with the protection of minorities.

#### 5. THE APPEAL OF PERSIA TO THE LEAGUE

Persia, whose territory had been invaded by Soviet troops, demanded that the Council of the League should be summoned in accordance with the provisions of Article XI. The Persian Government asked, on May 29, for a meeting of the Council, and the Council assembled on June 14.

The Council considered this appeal, not only with reference to Article XI, but also with reference to Article X of the Covenant. Under Article X "the Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League." In case of such aggression, or threat or danger of it, the Council is to advise upon the means by which its obligations shall be fulfilled.

The Soviet forces were then established at Enzeli, and were said to be pushing forward into the interior. Meanwhile, negotiations were proceeding between the Government of the Soviets and the Government of Persia; and Prince Firouz, who sat as the member for Persia on the Council while this matter was under discussion, was also in correspondence with the Government of the Soviets. It was alleged in telegrams addressed by M. Chicherin to the Persian Government and in representations to the British Government made by M. Krassin, who was then in London, that the Government of the Soviets desired friendly relations with Persia, and that it had issued orders for the withdrawal of the Soviet forces from Persian waters and Persian territory.

The Persian Government was, when the Council met, awaiting a reply from the Soviet Government to a telegram which had been sent to Moscow on June 12. In this telegram Persia had asked for conditions of peace which would effectually re-establish her territorial integrity.

The Council decided that, before advising further upon the means by which the obligations prescribed by the Covenant should be fulfilled, it should await the result of the negotiations then in progress between the Persian Government and the Soviet authorities. It explicitly recognized that the Persian Government had acted in the best interests of peace, and that it had rightly appealed to the fundamental principle of co-operation laid down by the Covenant.

# 6. THE DISPUTE BETWEEN SWEDEN AND FINLAND CONCERNING THE AALAND ISLANDS

The British Government requested that a special meeting of the Council should be summoned to consider the case of the Aaland Islands. The action of the British Government was based on the friendly right conferred on Members of the League by Article XI of the Covenant to bring to the attention of the Council any matter affecting international relations and threatening to disturb the good understanding between nations upon which peace depends. The case of the Aaland Islands then in dispute between Finland and Sweden appeared to fall within the scope of the article.

The Council dealt with the case under paragraph 4 of Article IV of the Covenant as a matter affecting the peace of the world, and applied as closely as possible the principles of Articles XII, XV and XVII.

During the seventh and ninth sessions of the Council at which the case was considered, M. Branting, the representative of Sweden, sat as a member of the Council under Article IV of the Covenant. M. Enckell, the representative of Finland, also attended the Council with the consent of Sweden, though Finland was not yet a member of the League.

At the seventh session of the Council the two parties each presented their point of view and supported it with various arguments.

Finland claimed that the case fell under paragraph 8 of Article XV of the Covenant, and argued that the questions submitted to the Council fell within the domestic jurisdiction of Finland and within the sphere of her sovereignty.

Sweden asked that a plebiscite should be held in the islands.

By the consent of both parties, delegates of the Aaland Islanders were admitted to present a declaration.

The Council observed that, if the Permanent Court of International Justice had already been established, the question whether the dispute between Finland and Sweden should be regarded as solely within the domestic jurisdiction of Finland under paragraph 8 of Article XV of the Covenant would naturally have been referred to that body.

In the absence of the Permanent Court, the Council decided with the consent of Sweden and Finland to ask for an opinion from a special Commission of three International Jurists appointed for the purpose.

The Commission was asked to answer the two following questions:

a. Does the Swedish case as presented to the Council on the question of the Aaland Islands arise out of a matter which by international law is solely within the jurisdiction of Finland within the meaning of paragraph 8 of Article XV of the Covenant?

b. What is the present state of the international obligations regarding the demilitarization of the Aaland Islands?

Meanwhile, the Council appealed to both parties to do all in their power during the consideration of the case by the Council not to cause any aggravation of the existing position. M. Branting publicly read a declaration engaging the Swedish Government to undertake nothing calculated to increase the existing tension, and M. Enckell publicly stated that the Government of Finland would take into account the wishes expressed by the League of Nations.

The Commission of Jurists sat from August 3 to September 5. The conclusions of the Committee were as follows:

a. The *de facto* position which led to the dispute between Sweden and Finland arose at a moment when Finland had not yet acquired the character of a definitely constituted state. The dispute does not fall exclusively within the territorial sovereignty of Finland, and international law does not leave the question of the Aaland Islands to the exclusive competence of Finland. The Council of the League is competent to recommend any solution which it may regard as most equitable and expedient.

b. As regards the demilitarization of the Aaland Islands the stipulations of the Convention and Treaty of Paris of 1856 are still in force. Each interested state accordingly has the right to claim respect for these stipulations and whoever possesses the islands must conform to the obligations imposed by these stipulations.

The Council resumed the examination of the question of the Aaland Islands during its eighth session held in Paris in September.

The Council resolved on September 20 that the question "presented an international aspect, which brought its consideration within the competence of the League." It laid stress on the duties imposed upon it by Articles XI and IV of the Covenant in the interests of peace between nations, and declared itself "competent to make any recommendations which it might deem just and proper in the case."

It decided to appoint a Commission of Rapporteurs charged with the duty of "furnishing the Council, in the shortest time required for the necessary consultations, and having regard to the legitimate interests of all parties concerned, with a report which will enable it to frame a final or provisional settlement of the question and to establish conditions favorable to the maintenance of peace in that part of the world."

The two parties accepted this procedure. The representative of Finland, however, criticized the report of the jurists and made a formal statement to the effect that Finland reserved to herself the right to maintain that she possessed an exclusive competence to take a decision on the subject of a plebiscite in the islands.

The Council anticipated that, owing to the exceptional difficulty of the problem, a certain delay would be necessary before it was in a position to give a definite decision, and it asked the interested Governments to



avoid giving any cause for public irritation in Sweden, Finland, or in the islands, so long as the question remained *sub judice*.

The Council at the same time noted the special interest taken by Russia in the destiny of the Aaland Islands, and stated that it would naturally desire to hear the views of Russia on the subject, when she had emerged from the exceptional position in which she found herself.

Baron Beyens, a former minister of foreign affairs for Belgium, M. Calonder, a former President of the Swiss Federation, and Signor Maggiorino Ferraris, Senator of the Kingdom of Italy, have been appointed members of the Commission of Rapporteurs. The Commission has already begun its preliminary studies.

The Aaland islanders interpreted the conclusion of the jurists regarding the competence of the Council to mean that a plebiscite would at once be held in the islands to determine whether they should be attached to Sweden or to Finland.

The Council during its session at Brussels decided to address a letter to the islanders, explaining that this deduction must not be drawn from the report of the jurists, and that no forecast as to the future settlement of the dispute could have the slightest value until the Commission of Rapporteurs had supplied the Council with the information necessary to enable it to come to a definitive decision. The islanders were meanwhile asked to refrain from any irritating or provocative action. The two parties were informed of the dispatch of this letter.

## 7. THE DISPUTE BETWEEN POLAND AND LITHUANIA

Prince Sapieha, the Polish minister for foreign affairs, informed the Council of the League by telegram on September 5 that the Polish Government desired the intervention of the Council in order to prevent war between Poland and Lithuania. The Lithuanian Government, in conformity with Article XVII of the Covenant, accepted for this dispute the obligations of a Member of the League and intrusted Professor Voldemar with full powers to give to the Council all necessary information. The Polish Government was represented by M. Paderewski.

The Polish representative stated that the danger of war arose from the presence of Lithuanian troops to the west of the provisional frontier assigned to Poland by the declaration of the Supreme Council of December 8, 1919.

The Lithuanian representative said that Lithuania had no knowledge of the frontier fixed by the Supreme Council and that under a treaty which it had concluded with the Government of the Soviets on July 12, another frontier had been partially determined. Under the treaty with the Soviets this other frontier was to have been completed by an agreement



to be concluded between Lithuania and Poland, and negotiations were proceeding at Kalvaryja for the conclusion of peace between the two countries upon a permanent basis.

The Council was not asked to propose a final settlement of the dispute, but its immediate intervention appeared to be necessary in order to obtain a provisional acceptance by the two countries of a line of demarkation of the zones of occupation.

The most important factor in the problem was the presence within Lithuanian territory of troops of the Soviet Government.

The Lithuanian representative stated that the Government of the Soviets was prepared, according to a telegram of M. Chicherin of September 5, to evacuate the whole of the territory of Lithuania provided the Lithuanian Government could guarantee that the neutrality of Lithuania would be respected by Poland.

Acting upon these considerations the Council, by a resolution adopted in Paris on September 20, addressed an urgent appeal to the Governments of Lithuania and Poland to take immediately all necessary measures to prevent any hostile acts between their troops, and the representatives of Lithuania and Poland publicly undertook to recommend their Governments to act immediately in the sense desired.

The Council further proposed that the two Governments should bind themselves by the following mutual undertakings:

(1) The Lithuanian Government adopts as a provisional line of demarkation, reserving all its territorial rights, and awaiting the result of its direct negotiations with Poland, the frontier fixed by the Supreme Council of the Allies in its declaration of December 8, 1919, and undertakes to withdraw its troops from the territory to the west of this line:

(2) The Government of Poland undertakes, reserving all its territorial rights, to respect during the war now in progress between Poland and the Government of the Soviets, the neutrality of the territory occupied by Lithuania to the east of the line of demarkation above specified, provided respect for this neutrality be also secured from the Soviet authorities by Lithuania.

The Council declared that it was ready to appoint a Commission intrusted with the duty of insuring on the spot the strict observation by the interested parties of the obligations arising from their reciprocal undertakings. The French, Spanish and Japanese representatives on the Council were instructed to receive the replies of the two Governments and to afford them any assistance they might require.

The Commission of Control was appointed without delay, and was able to begin its work on the spot on October 4. The authority of the Commission was accepted by both parties, and the Commission was enabled to secure in the district of Suwalki the retreat of the Polish and Lithuanian

troops to a distance of six kilometers on either side of the line of December 8. By October 7 the Commission had succeeded in securing the acceptance of an armistice along the whole front, and an extension toward the east of the line of demarkation rendered necessary by the positions then occupied by the Lithuanian and Polish troops.

Meanwhile, the Committee of the Council kept in constant touch with the representatives of Poland and Lithuania, received their complaints and intervened to secure the removal of grievances.

During this period the representatives of Lithuania in London and Paris addressed a series of protests to the Council against the continued advance of Polish troops across the line of demarkation to places never before in their occupation. These complaints culminated on September 27 in a request from the charge d'affaires for Lithuania in London that the Council should at once be convened under Articles XI and XVII of the Covenant to examine the position there created. The Secretary-General in answer to this request said that the situation was receiving the careful attention of the Acting Committee of the Council, and that a full session, if necessary, would doubtless be convened.

The position which had confronted the Council on September 20 was entirely changed by October 20, when the Council again considered the question in Brussels. In the first place, the Polish troops had driven the Soviet army from Grodno and from Vilna, and an armistice, with peace preliminaries, had been signed at Riga between Poland and the Soviet Republic. In the second place, on October 8 General Zeligowski, at the head of a division, had entered Vilna and proclaimed a government under the title of "The Government of Central Lithuania."

The Polish representative during the session at Brussels said that the Polish Government was not responsible for what had occurred. It had repudiated General Zeligowski, and had declared that he was acting as a rebel. The Polish Government could not intervene at Vilna, as General Zeligowski was at the head of a nationalist and patriotic movement, with which the Polish nation was fundamentally in sympathy. The Government claimed that the districts where General Zeligowski had assumed control would, if allowed to settle their political destiny, decide to become attached to Poland rather than to Lithuania.

The Council, having discussed the matter in the presence of the representatives of Lithuania and Poland, proposed that a public expression of opinion should be taken under the auspices and supervision of the League, whereby the inhabitants of the disputed territory east of the line fixed by the Supreme Council on December 8, 1919, might freely express their wishes on the subject of their attachment either to the state of Lithuania, the seat of whose Government was then at Grodno, or to Poland. It was understood that the Council would determine the extent and boundaries

of the territory in which the public expression of opinion would be held, and determine the method whereby it should be taken. It was further understood that the Council should decide what measures were necessary, before and during the public expression of opinion, to secure the withdrawal or disarmament of any troops in occupation of the territory in dispute, and that for this purpose the Council should have the right to control the roads and railways leading to the disputed territory or passing through it.

The Council asked the delegates of both parties to inform it within ten days of October 28 whether their Governments were prepared to accept these recommendations.

The Council also asked the delegates of both parties to give it forthwith in the name of their respective Governments a formal assurance to abstain from any act of hostility against each other, and to do all in their power to maintain peace. The delegates of Poland and Lithuania gave to the Council the assurances asked, and the Council duly noted them.

Meanwhile, the members of the Commission of Control remained intrusted with the duty of settling equitably any difficulties which might arise.

#### 8. THE APPEAL OF THE KING OF THE HEDJAZ TO THE LEAGUE

The King of the Hedjaz addressed an appeal to the League in July against the arrest and imprisonment by the French authorities of certain members of the Administrative Council of Lebanon. He asked that a commission should be sent to Lebanon to investigate the facts.

Peace was not yet concluded between Turkey and the Allied Powers; and Syria, by international law, was still part of an enemy country within whose territory there subsisted a state of war. The Council held the opinion that the League had been created to maintain peace after peace had been established by the treaties, and it did not feel itself called upon to intervene.

The Council, therefore decided that it had no competence to deal with the matter, and forwarded the appeal to the French Government, abstaining from any comment on its merits.

### C. SPECIAL DUTIES ACCEPTED BY THE LEAGUE

#### 1. THE COMMISSION OF INQUIRY TO RUSSIA

The International Labor Organization had decided to send a commission of investigation to Russia to examine the labor position in that country. The Supreme Council thought it would be opportune to organize a more extensive inquiry into the conditions then prevailing in Russia under

the supervision of the Council of the League. The Supreme Council requested the Council of the League to take charge of the matter and the Council considered this request on March 12.

The Council decided to ask the Government of the Soviets whether they were prepared to give to the proposed commission of inquiry the necessary facilities for their work. Meanwhile, the Secretary-General was authorized to assist in the organization of the commission and of the secretariat of the commission.

The Soviet Government, in a wireless message dated May 10, agreed in principle to the admission into Russia of a delegation of the League, but alleged that it could not for military reasons admit at that time any delegation among the members of which there were representatives of nations actively supporting Poland in the Ukraine.

In a further telegram dispatched from Moscow, on May 25, M. Chicherin accused the League of having allowed full liberty to one of its members, namely Poland, to attack Russia in the Ukraine. He further drew attention to the attitude of other Members of the League who were assisting Poland by sending war material and military instructors. His message (which was incompletely transmitted) concluded, so far as could be ascertained, with a statement that for reasons of national security it was impossible for the Government of the Soviets to send a favorable answer to the request of the Council.

The Council of the League finally decided that these communications amounted to a refusal on the part of the Russian Government to receive the commission of inquiry, and the project was abandoned.

## 2. THE INTERNATIONAL FINANCIAL CONFERENCE

The decision to hold an International Financial Conference under the auspices of the League was taken at the second session of the Council, on February 13. The object of the Conference was to study the present international financial position, and to discuss remedies.

It was decided that the conference should be convened by a committee composed of members of the Council nominated by the president of the Council for the time being. It was hoped that the conference would be able to meet in May.

The preparations for the conference were intrusted to a Committee of Organization presided over by Jean Monnet, Deputy Secretary-General of the League. M. Monnet has acted for the Secretary-General in all matters relating to the Financial Conference. The Council subsequently appointed Gustave Ador President of the Conference.

Thirty-nine countries were represented at the conference. Invitations were issued to 37 Members of the League, and the Governments of Luxem-



burg, Finland, Esthonia, Latvia and Lithuania were also invited to send delegates to take part in the discussion, when matters concerning their countries were before the conference. The United States Government was invited to participate in the work of the conference.

It was throughout realized that the conference could not deal adequately with the existing financial situation unless Germany and her late allies were represented. Invitations were issued to and accepted by the Governments of Germany and Austria. An invitation was also addressed to Bulgaria.

It was further realized that it would be necessary for the conference to have exact information on the financial obligations of Germany under the treaty of Versailles. In this connection it should be noted that the Reparation Commission was invited to send a representative.

M. Bourgeois, who acted on behalf of the Council in all matters relating to the Financial Conference, endeavored from the first to impress upon the Supreme Council the importance of coming to an early decision regarding the German indemnity. It was hoped that the conference at Spa would be able to notify the Council of the League of its decisions in time for the conference, which had already been repeatedly postponed, to be held on July 23.

On July 14, however, M. Delacroix, President of the Supreme Council at Spa, informed M. Bourgeois that the Supreme Council was unable to give to the Council of the League any useful or precise indications as to the decisions which would be taken by the Allies in regard to the German indemnity. M. Delacroix subsequently telegraphed to Mr. Balfour, asking the League of Nations to postpone the International Financial Conference until after September 15.

The Supreme Council, in requesting this postponement, expressed the hope that it would be able to furnish the Council of the League before September 15 with the information required.

The Council of the League during its eighth session at San Sebastian decided that the conference should, in any event, be held on September 25. It was decided that, if before that date the Supreme Council had failed to notify the Council of the League of its decisions, the conference should be instructed to confine itself to questions which were unrelated to the German indemnity.

M. Bourgeois had prepared a list of agenda for the conference from which all questions relating to the German indemnity had been omitted, and he proposed that the president of the conference should be instructed not to go beyond the limits of this restricted list. It was understood that, if before the opening of the conference the Supreme Council had communicated its decisions, the conference might be notified of them and the



president of the conference might take them into account in dealing with the agenda of the conference and the method of its work.

Meanwhile the German Government was warned that the president of the conference had instructions from the Council of the League to exclude from deliberations all questions still under discussion between Germany and the Allies.

The conference met on September 24, 1920, and sat until October 8. The report of the conference was considered by the Council during its session at Brussels.

The recommendations of the conference have already been forwarded to all the Governments which participated. It therefore seems unnecessary to enumerate them in this report. Direct action by the Council was, however, necessary in one important particular. The conference recommended, *inter alia*, that an international organization should be formed and placed at the disposal of states desiring credit for the purpose of paying for their essential imports, and that for this purpose a committee of financiers and business men should be nominated forthwith by the Council of the League, in order to define the measures necessary to give particular effect to this recommendation.

The Council desired to establish this committee at the earliest possible date. Its decision regarding the constitution of an Economic and Financial Organization of the League forms the subject of a special report to the Assembly.

### III. ACTION OF THE LEAGUE IN THE GENERAL INTERESTS OF HUMANITY.

#### 1. THE CAMPAIGN AGAINST TYPHUS IN POLAND

The Council during its third session adopted a resolution asking the International Health Conference, which was to meet in London toward the end of April, to submit to it plans of united official action for the protection of Poland and other countries lying to the west of Russia from the epidemic of typhus.

The Health Conference recommended that the Council of the League should appoint an executive commission to work in co-operation with the Polish authorities and the authorities of the countries likely to possess surplus materials, and with the League of Red Cross Societies.

Acting on these recommendations, the Council of the League appointed Kenyon Vaughan Morgan to be Chief Commissioner for the League, and Dr. Norman White to be Medical Commissioner for the collection, organization and dispatch of the necessary hospital units and staff. The Secretary-General was authorized to make any nominations which might be necessary to complete the Executive Committee.

After an investigation made on the spot by Dr. Norman White, the League Commissioners drafted a plan of co-operation with the Polish Ministry of Health and the Red Cross Societies.

The London conference stated that the campaign would have to be financed by the Governments, and not by the Red Cross Societies, whose means were limited. The total cost of the campaign was estimated at 3½ million sterling.

The Council decided that it would try to raise 2 millions sterling from the Governments and make a further appeal to private generosity through the League of Red Cross Societies.

The Secretary-General was authorized to appeal at once to the Governments of 28 states for contributions toward the £2,000,000 required, and Mr. Balfour, who was the representative on the Council intrusted with this appeal on behalf of the League, endeavored to obtain £250,000 for immediate use. He secured from the British Government a promise to contribute £50,000 to this preliminary sum, provided four other powers were also prepared to respond. Mr. Balfour thereupon appealed to the Governments of France, Italy, Japan, Spain and the Netherlands. France replied that she would contribute on the same conditions as Great Britain, but at the time of the Council meeting at San Sebastian no further definite contributions to the preliminary sum of £250,000 had been promised by the states addressed.

Dr. Vaughan Morgan meanwhile resigned the post of High Commissioner for the League in the absence of the funds necessary to start the campaign, and the Council asked Dr. Norman White to accept the post of Acting High Commissioner in his place.

The Council while at San Sebastian was informed that there was serious danger of a greatly increased epidemic of typhus in the autumn.

Mr. Balfour accordingly undertook to make a further appeal to the Governments, and urged his colleagues on the Council to do all in their power to make his appeal successful. Offers of contributions to the general fund of £2,000,000 were received from Belgium (£1,000), Greece (£10,000), Canada (\$200,000), Persia (£2,000) and Siam (£1,000). Poland has intimated that the annual credit of 800,000 marks allotted in the Polish budget to the campaign against typhus must be considered as the contribution of Poland. Austria has offered 100,000 crowns, and Germany a million paper marks. Germany stipulated that German experts should be associated with the work of the Executive Committee. The Council replied that it would hardly be possible to appoint to the Executive Committee the representative of any country not a Member of the League.

Mr. Balfour was obliged to inform the Council during its session at Brussels that many of the Governments to which he had appealed had

failed to reply, and that the funds required to begin the campaign had not yet been secured.

It was decided that the question must be considered by the Assembly, and that a mission composed of two eminent health experts and of the Medical Chief Commissioner for Typhus should start immediately for Poland in order to ascertain the precise extent of the problem, and to present a report to the Assembly.

## 2. RELIEF IN CENTRAL EUROPE

On February 24 the acting president of the Council addressed a letter to the president of the International League of Red Cross Societies, urging it to organize an effort to deal with the ravages inflicted by disease upon the underfed populations of Central Europe.

The League of Red Cross Societies, in reply, said it was impossible for them to take up the matter until the Governments of the world had found the means to provide the necessary foodstuffs, clothing and means of transport, but that they would prepare plans for the further development of relief in Central Europe, and address a general appeal to all the nations of the world for the necessary materials, personnel and funds upon receiving an assurance from the League that the Governments of the world were prepared to render them the necessary assistance.

The Council of the League considered that, in view of the measures taken by the Governments represented on the International Committee for Relief Credits to assist the countries in question through the agency of this Committee it might safely assure the Red Cross Societies that there would be sufficient material available for carrying out the work which the Council had invited them to undertake.

A letter was accordingly addressed to the League of Red Cross Societies, expressing a hope that they would proceed with their plan and issue their appeal.

## 3. THE REPATRIATION OF WAR PRISONERS

On February 7 the Supreme Economic Council passed a resolution inviting the Council of the League to take measures for the assistance of prisoners of war in the territories under the sovereignty of the Government of the Soviets. Efforts to deal with the matter had already been made by various private and public bodies, notably by the International Committee of the Red Cross, the Red Cross Societies of Scandinavia, the American Red Cross Society, and the American Young Men's Christian Association.

In spite of these efforts, there still remained some 500,000 prisoners of war in Europe and Asia to be repatriated. In many cases these prisoners had been absent from their homes for from four to six years, and were

suffering severe hardship. It was calculated that there were some 250,000 prisoners in Russia and Siberia belonging to Central Europe.

The Council during its fourth session at Paris decided that Dr. Nansen should be invited to act on behalf of the Council of the League. He was authorized to negotiate with the Governments interested, to co-ordinate the efforts of the existing organizations, and to prepare plans. He was further invited to submit recommendations regarding the financial credits required for the work.

Dr. Nansen immediately began negotiations with the German Government, with the Government of the Soviets, and with all the Governments interested. He put himself in touch with the voluntary organizations which had hitherto been dealing with the question, and in particular with the International Committee of the Red Cross.

Dr. Nansen reported to the Council on the progress of his work during its sixth session held in London. He described in particular the arrangements which he had successfully made for the repatriation of prisoners through Narva and Björko across the Baltic. He stated that he hoped to repatriate some 60,000 prisoners over the Baltic before the winter.

Dr. Nansen also arranged for a scheme of repatriation through Vladivostok under an agreement which had been made between the German Government and the Government of the Soviets for an exchange of Russian prisoners in Germany against prisoners belonging to the Central Empires in Siberia. He also hoped to open another route for repatriation over the Black Sea for prisoners in Turkestan.

It would have taken some considerable time to raise money by private subscriptions to finance the work he had undertaken. Dr. Nansen had therefore addressed himself to the International Committee of Relief Credits in Paris and to the Governments represented on this Committee in the hope of obtaining immediate advances. He asked the League for its moral support in the negotiations he was pursuing with the various Governments, and in the appeal which he proposed to make for private subscriptions.

The Council addressed letters to the Governments of Esthonia and Finland, and to the President of the International Committee of the Red Cross, thanking them for the services they had rendered, and sent a further letter to all the Governments concerned asking them to allow the necessary transit facilities. The Council also indorsed the appeal of Dr. Nansen to the Governments on the International Committee of Relief Credits.

Most of the Governments addressed have allocated funds for repatriation through the Committee of Relief Credits. Denmark has allotted £35,000; Norway, £35,000; the Netherlands, £45,000; the United Kingdom, £113,000; Sweden, £35,000; Switzerland, £48,000. France has promised £115,000 subject to certain conditions. Italy held out



hopes that it might contribute £65,000. The Netherlands and the United Kingdom have promised to furnish supplementary contributions of £10,000 and £113,000 respectively when the credits allotted by the various Governments through the Relief Credits Committee have reached the total of £635,000 (the supplementary contributions included). Dr. Nansen was thus enabled to proceed with his arrangements. He estimated that the schemes of repatriation actually being carried out would cost at least £850,000, and hoped to obtain from private sources the balance necessary to bring the sum obtained from the Governments up to the total required.

Dr. Nansen has addressed an appeal for private subscriptions to the British Red Cross, and the American Red Cross and the American Young Men's Christian Association.

By October 31, 158,000 prisoners had been repatriated over the Baltic.

Dr. Nansen had further taken steps to repatriate 8,000 prisoners via Vladivostok.

There still remains a great number of prisoners (estimated from 10,000 to 30,000) in Eastern Siberia, and some 20,000 prisoners who will have to be repatriated over the Black Sea.

Dr. Nansen remains confronted with serious difficulties in the repatriation of the prisoners who are still in Siberia, and the collection of the total funds originally asked for by Dr. Nansen is necessary if this work is to be carried to a successful conclusion.

During its sixth session, the Council received an appeal from Count Wrangel, who was representing Bulgarian interests in London, concerning the condition of the Bulgarian prisoners in Greece and Serbia. The Council authorized Dr. Nansen to make an unofficial inquiry into the facts, and to take any measures which appeared to him to be necessary. In consequence of Dr. Nansen's representations satisfactory arrangements were made by the Greek and Bulgarian Governments for a settlement of the question.

#### IV. HELP GIVEN BY THE LEAGUE TO ASSOCIATIONS FOR THE DEVELOPMENT OF INTERNATIONAL CO-OPERATION

The Council has, whenever an opportunity occurred, given its moral support to associations having for their object the development of international co-operation. During its second session the Council decided to send a representative to the General Conference of Red Cross Societies, which was shortly to meet in Geneva, and during its eighth session the Council decided that a letter should be sent to the president of the International Committee of the Red Cross, assuring the Committee that it



might count on the moral support of the League in any tasks resulting from the great war which it might undertake to perform.

The Council has granted a subscription of £1,500 toward the publication by the Union of International Associations at Brussels of the "Code des Voeux et Résolutions des Congrès Internationaux." The Council considered that the Union in publishing this code, was undertaking an enterprise which, in default of action by the Union, would have fallen within the province of the League itself, and have had to be undertaken by the Secretariat at increased cost and labor. The Council at the same time paid a tribute to the value of the work achieved by the Union of International Associations, and expressed full sympathy with its objects.

During its session at Rome, the Council decided to send to the Conference of the Federation of National Associations in support of the League of Nations, which was to be held at Milan in the autumn of 1920, a message of sympathy and encouragement.

## V. LIST OF THE SESSIONS OF THE COUNCIL AND OF THE QUESTIONS CONSIDERED

### FIRST SESSION

Paris. January 16, 1920

Question considered:

1. Appointment of three members of the Saar Frontier Delimitation Commission.

### SECOND SESSION

London. February 11 to February 13, 1920

1. Rules of procedure for the Council.
2. Accessions to the League:  
The accession of Switzerland.  
The accession of Colombia.
3. The appointment of the Committee of Jurists to draft a scheme for the constitution of a Permanent International Court of Justice.
4. Obligations of the League with regard to Communications and Transit: The constitution of a Permanent Transit Organization, and the framing of draft International Transit Conventions.
5. Invitation addressed to the International Health Conference to study:
  - (a) The constitution of a Permanent International Health Organization.
  - (b) The campaign against typhus in Poland.

6. The appointment of the Governing Commission of the Territory of the Saar.

7. The appointment of a High Commissioner of the League of Nations at Danzig.

8. The guaranty by the League of the clauses relating to Minorities in the Treaty between the Principal Allied Powers and Poland.

9. The representation of the League at the first meeting of the General Council of the Red Cross Societies.

### THIRD SESSION

Paris. March 12 and March 13, 1920

1. The protection of Minorities in Turkey.
2. The protection of Armenia.
3. The Commission of Inquiry to Russia.
4. The Commission against Typhus in Poland.
5. Relief in Central Europe.

### FOURTH SESSION

Paris. April 9 to April 11, 1920

1. Requests for admission to the League: The Grand Duchy of Luxemburg and the Republic of Latvia.

2. The registration of treaties.

3. The establishment of a permanent Economic and Financial Organization within the League.

4. The expenses of the International Labor Conference at Washington and of the establishment of the International Labor Office.

5. The authorization for Sir Reginald Tower to organize at Danzig the elections for the Constituent Assembly.

6. The protection of Armenia.

7. The protection of Minorities in Turkey.

8. The repatriation of war prisoners.

9. Message of sympathy from the Council to the national associations in support of the League.

### FIFTH SESSION

Rome. May 14 to May 19, 1920

1. Rules of procedure for the Council.

2. The budget of the League. The allocation of expenses between Members of the League.

3. The convening of the Assembly.

4. The Staff of the Secretariat of the League.
5. The Permanent Armaments Commission.
6. The appointment of an International Statistical Committee.
7. The relations of the Council and the Assembly with the permanent Technical Organizations of the League.
8. Co-operation of the League in the repression of the traffic in women and children.
9. The Administration of the Saar: Protest concerning the status of the Saar officials.
10. Eupen and Malmédy: Appeal to the League by the German Government.
11. The protection of Armenia.
12. The Commission of Inquiry to Russia.
13. The preparations for the International Financial Conference.
14. The campaign against typhus in Poland.

## SIXTH SESSION

London. June 14 to June 16, 1920

1. The convening of the Assembly.
2. Arrangements for the appointment of the members of the International Committee of Jurists (See Session 2, Item 3).
3. The appeal of Persia to the League.
4. The Commission of Inquiry to Russia.
5. The repatriation of war prisoners.

## SEVENTH SESSION

London. July 9 to July 20, 1920

1. The convening of the Assembly.
2. Expenses of the High Court of Justice of the Territory of the Saar.
3. The question of the Aaland Islands.
4. The preparations for the International Financial Conference.
5. The campaign against typhus in Poland.

## EIGHTH SESSION

San Sebastian. July 30 to August 5, 1920

1. The finances of the League: Approval of the Second Budget.
2. The relations between the Council and the Assembly.
3. The acceptance of new responsibilities by the League.
4. The report of the Committee of Jurists at The Hague (See Session 2, Item 3).

5. The preliminary measures necessary to give effect to Article XVI of the Covenant (The Economic Weapon).
6. The transfer of the Secretariat to Geneva.
7. Passports for officials of the League.
8. The Staff of the Secretariat.
9. The Permanent Armaments Commission.
10. The obligations of the League under Article XXII of the Covenant (Mandates).
11. The General Conference on Communications and Transit: Decision to hold the Conference at Barcelona.
12. The Permanent Health Organization.
13. The International Statistical Committee.
14. The claim of India to be represented on the Governing Body of the International Labor Office.
15. The payment of the expenses of the Saar Frontier Delimitation Commission.
16. The appointment of an International Committee of Jurists to present an opinion on the question of the Aaland Islands.
17. The appeal of the King of the Hedjaz to the League.
18. The preparations for the International Financial Conference.
19. The campaign against typhus in Poland.

#### NINTH SESSION

Paris. September 16 to September 20, 1920

1. The finances of the League.
2. Approval of contracts arising out of the establishment of the League at Geneva.
3. Passports for officials of the League.
4. The Governing Commission of the Saar: Resignation of M. de Boch.
5. Eupen and Malmédy: Definitive transfer of the sovereignty to Belgium.
6. The protection of Armenia.
7. The inter-migration treaty between Greece and Bulgaria: The appointment of two Commissioners by the Council.
8. The question of the Aaland Islands: Examination of the report of the Committee of Jurists and decisions taken by the Council.
9. The dispute between Poland and Lithuania.

#### TENTH SESSION

Brussels. October 20 to October 28, 1920

1. The finances of the League:
  - (a) The third budget of the League.

- (b) The payment of the staff of the permanent Secretariat.
  - (c) The distribution of the expenses of the League between its Members.
  - (d) The cost of commissions appointed by the League.
  - (e) Expenses of the Saar Basin Frontier Delimitation Commission.
2. Appointments to the Secretariat.
  3. The First Report of the Council to the Assembly.
  4. The report of the Committee of International Jurists on the Constitution of a Permanent Court of International Justice.
  5. Recommendations appended to the Report of the Committee of International Jurists.
  6. The report of the Permanent Armaments Commission.
  7. The report of the International Financial Conference.
  8. The report of the Committee on International Statistics.
  9. The Permanent Health Organization: Appointment of a temporary representative of the League to advise as to the execution of the resolutions regarding venereal disease passed by the Labor Conference at Genoa.
  10. Communications and Transit: Passports and customs regulations for travelers, and passports for officials of the League.
  11. Mandates: Obligations of the League under Article XXII of the Covenant.
  12. The Constitution of the Free City of Danzig.
  13. Protest of the German Government against the decision of the Council making definitive the transfer to Belgium of the sovereignty over the districts of Eupen and Malmédy.
  14. Protection of minorities:
    - (a) Obligations of the League under the minorities clauses of the Austrian and Bulgarian peace treaties.
    - (b) The appointment of the Commission to supervise the reciprocal emigration of Greek and Bulgarian minorities.
    - (c) The general duties of the Council respecting minorities.
  15. Protection of Armenia.
  16. Measures taken to appoint the Commission of Rapporteurs to advise the Council on the question of the Aaland Islands.
  17. The dispute between Lithuania and Poland.
  18. The campaign against typhus in Poland.
  19. The repatriation of war prisoners: case of the Rumanian prisoners.
  20. Amendments to the Covenant proposed by the Scandinavian states.
  21. Resolution presented by M. Tittoni concerning monopolies.
  22. Resolution of the British Association of Moral and Social Hygiene demanding the suppression of all regulation of prostitution in mandated countries.



## STATUS OF REPARATION

N. B.—The League of Nations has no connection with this matter. The Reparation Commission is established by Part VIII of the treaty of Versailles, which assigns to it the duty of determining the amount of damage for which compensation is to be made by Germany; but the Supreme Council, consisting of the Allied premiers and ministers, and the Conference of Ambassadors, which sits *ad interim*, are the bodies which have assumed responsibility.

Allied loss and damage, which Germany is bound to repair, are listed in Part VIII, Annex I, of the treaty of Versailles. No bill of particulars respecting the amounts of these liabilities has been published, so that it is impossible to compute what percentage of reparation has been liquidated. There is a not unnatural difference between the parties as to the value of the commodities delivered.

It was announced by the Reparation Commission on October 28, 1920, that Germany had turned over 20,000,000,000 marks gold bearer bonds in accordance with the stipulations of Part VIII, Annex II, 12, c, 1, of the treaty of Versailles, as well as 40,000,000,000 marks gold bearer bonds as stipulated by Annex II, 12, c, 2. The bonds were issued by the German Treasury, signed by the Administrative Services of the German Debt, authorized by the German Financial Law of August 31, 1910. These bonds are subject to cancellation by way of reparation according to the details of Part VIII and Annexes of the treaty of Versailles. They constitute a part of the reparational system, and are assumed to be included in the total demands to be made upon Germany in conferences previous to May 1, 1921.

Respecting deliveries made by Germany the Reparation Commission on January 23, 1921, issued the following statement:

"A year having passed since the treaty of Versailles became operative, it is interesting to take stock of the deliveries by Germany completed under the treaty as well as under the armistice convention. The following represent deliveries up to December 31 under the heading of reparations:

# "1. *Reparations*

## a. *Deliveries*

"Coal (including coke and lignite), estimated at 17,818,840 tons.

"Sulphate of ammonia, 19,000 tons.

"Steamers, sailing vessels, and trawlers, 2,054,729 tons gross.

"River craft and material, 38,730 tons.

"Live stock, 360,176 beasts.<sup>1</sup>

"Seeds, 6,802,588 kilos.

"Dyes and dyestuffs, 10,787,827 kilos.

"Pharmaceutical products, 57,823 kilos.

"Rolling stock (locomotives), 4,571.

"Rolling stock (freight cars), 129,555.

"Motor lorries, 5,000.

"Railway material, 140,000 tons.

"Agricultural machinery, machines, and implements, 131,505.

"Submarine cables<sup>2</sup>:

Emden-Vigo: from the Straits of Dover to off Vigo;

Emden-Brest: from off Cherbourg to Brest;

Emden-Teneriffe: from off Dunkirk to off Teneriffe;

Emden-Azores: (1) From the Straits of Dover to Fayal;

Emden-Azores: (2) from the Straits of Dover to Fayal;

Azores-New York (1): From Fayal to New York;

Azores-New York (2): from Fayal to the longitude of Halifax;

Teneriffe-Monrovia: from off Teneriffe to off Monrovia;

Monrovia-Lome;

Lome-Duala: from Lome to Duala;

Monrovia-Pernambuco: from off Monrovia to off Pernambuco;

Constantinople-Constanza: from Constantinople to Constanza;

Yap-Shanghai, Yap-Guam, and Yap-Menado (Celebes): from Yap Island to Shanghai, from Yap Island to Guam Island, and from Yap Island to Menado.

"The above list does not include certain deliveries or cessions of a different kind, which either are, or are susceptible of, being credited to Germany, but for which figures are not yet completely determined: Public properties, and parts of debts in ceded territories, the Saar Basin, material abandoned after November<sup>11</sup>, 1918, etc. Moreover, this list does not include deliveries or cessions from powers other than Germany as provided by treaties.

<sup>1</sup>The total number deliverable under Part VIII, Annex IV, 6, of the treaty is 370,900. A German note announced that on November 15 live-stock deliveries had been made according to the terms of the treaty as follows: Horses, France, 103%; Belgium, 66%; cattle, France, 72%; Belgium, 72%; goats, France, 92.3%; Belgium, 83%; sheep, France, 100.2%; Belgium, 109%. (*Le Temps*, November 21, 1920.)

<sup>2</sup>Only those privately owned to be credited to reparation.

b. *Division*

"At present the Reparation Commission has made the following division of deliveries made by Germany as reparation:

"Coal—France, 14,210,582 tons; Italy, 1,618,534 tons; Belgium, 1,401,626 tons; Luxemburg, 588,098 tons.

"Sulphate of ammonia—France, 19,000 tons.

"Ships—Great Britain, 1,477,839 gross tons<sup>1</sup>; France, 166,924 gross tons; Italy, 124,901 gross tons; Belgium, 15,831 gross tons; Japan, 28,678 gross tons.

"River craft and material—France, 36,730 tons; Belgium, 2,000 tons.

"Live stock—France, 207,943 beasts; Belgium, 152,233 beasts.

"Seeds—France, 6,501,310 kilos; Italy, 200 kilos; Belgium, 301,078 kilos.

"Dyes and dycstuffs—United States, 1,300,143 kilos; Great Britain, 3,113,802 kilos; France, 3,172,632 kilos; Italy, 1,760,310 kilos; Belgium, 1,190,375 kilos; Japan, 250,062 kilos.

"Pharmaceutical products—Italy, 39,581 kilos; Belgium, 12,385 kilos; Japan, 5,855 kilos.

"Motor lorries—United States, 1,314; Great Britain, 1,242; France, 2,200; Belgium, 244.

"Rolling stock: Locomotives—France, 2,653; Belgium, 1,918.

"Rolling stock: Freight cars—France, 63,658; Belgium, 65,897.

"Railway material—France, 90,000 tons; Belgium, 50,000 tons.

"Agricultural machinery, machines, and implements—France, 109,932; Belgium, 21,573.

"The division of submarine cables intrusted by the Allied Powers to the conference of experts meeting at Washington has not yet been effected.

"Valuations have been made for the greatest part of the above deliveries. Certain questions of principle not having been solved, it still remains to establish from different points of view several systems of accounting from which a choice will eventually be made. The commission has, nevertheless, to declare that the figures recently published respecting deliveries by Germany amounting to more than twenty billions of marks gold, which this power is constrained to pay by virtue

<sup>1</sup>British shipping lost as a result of the war is given as follows:

	Tons gross	Value
Steamers (direct war losses) .....	7,745,654	£527,889,000
Steamers (indirect war losses) .....	209,851	16,052,000
Sailing vessels (indirect) .....	121,021	2,463,000
Neutral vessels (lost while under time, charter or requisition) .....	440,989	38,312,000
	8,517,515	£584,716,000

of Article 235 of the treaty, substantially exceed the real figures.<sup>1</sup> The principal items on which there is either uncertainty or considerable disagreement are public properties in ceded territories, shipping, Saar Basin, the material abandoned by the Germans after November 11, 1918, and a portion of the coal.

## "2. Restitutions

"Beside the deliveries credited to Germany, Article 238 of the treaty stipulates that this state is bound to restore objects of every nature, securities and cash, taken away, seized or sequestered in the cases in which it proves possible to identify them in territory belonging to Germany and her allies.

"These restitutions of objects identified are entirely distinct from the deliveries dealt with above. Article 243 of the treaty provides that their value is not to be reckoned as credits to German reparation. The commission has recorded up to December 31, 1920, the following restitutions for France and Belgium:

"Agricultural material—France, 13,546 machines; Belgium, 14—Total, 13,560.

"Industrial material—France, 184,161 tons; Belgium, 87,046 tons—Total, 271,207.

"Rolling stock: Locomotives—France, 13; Belgium, 394—Total, 407.

"Rolling stock: Freight cars—France, 6,031; Belgium, 12,897—Total, 18,928.

"Other categories of goods have also been restored, such as stocks, a certain quantity of personal property and objects of art."

## DELIVERY OF WAR MATÉRIEL, NOVEMBER 11, 1918, TO DECEMBER 31, 1920

The reduction of the German military, naval and air forces by the Allies is, by the preamble of Part V of the treaty of Versailles,

<sup>1</sup>The figures referred to, as printed in *Le Temps*, January 21, 1921, are:

	Millions of marks gold
Railway material .....	1,500
Saar mines .....	1,000
Landed interests (properties, concessions, interests, etc.) in the territories taken from Germany, outside of Alsace and Lorraine, and ceded to Poland, to Denmark, to Belgium, to Japan, to China, and also in the plebiscite territories. ....	4,500
Merchant shipping .....	7,300
Reimbursement for military occupation expenses. ....	1,300
Coal .....	500
Purchase of provisions and raw materials .....	3,000
German cables .....	90
Nonmilitary booty of war .....	3,700
	22,890

"in order to render possible the initiation of a general limitation of the armaments of all nations."

(Not credited to reparation; based on report of Marshal Foch, December 31, 1920)

Cannon (complete).....	41,000
Cannon (barrels).....	29,000
Machine guns (complete and barrels).....	163,000
Rifles.....	2,800,000
Airplanes.....	16,000
Airplane motors.....	25,000

The German commissioner for disarmament of the population announced totals of arms, voluntarily delivered, purchased or confiscated up to January 10, 1921, apparently additional to the above, as follows:

932 cannon; 18,067 machine guns; 2,201,584 rifles and carbines; 78,325 revolvers and pistols; 85,616 hand grenades; 3,553 pieces of firearms; 246,357 pieces of machine guns; 312,905 pieces of rifles; and 4,624,189 cartridges. (*Le Temps*, January 15, 1921.)

The German army at the Armistice consisted of about 3,000,000 rifles. On January 29, 1921, the Germans claimed it had been reduced to 100,000 officers and men, but the Allies regarded the situation as unsatisfactory because of the existence of several organizations such as Civil Guards, Security Police, and the Bavarian Orgesch capable of military service.

#### DISPOSITION OF THE GERMAN FLEET<sup>1</sup>

(Not counted toward reparation. All vessels broken up, unless indicated as incorporated [IN.] in the present owner's fleet.

(Forty capital and 144 other ships listed.)

Battleships—To Great Britain, 5—Baden, Helgoland, Posen, Rheinland and Westfalen. To Japan, 2—Oldenburg and Nassau. To France, 1—Thuringen. To the United States, 1—Ostfriesland.

Light cruisers—To Great Britain, 6—Nürnberg, Stettin, Stuttgart, Danzig, München and Lübeck. To France, 5—Emden, Königsberg (IN.), Regensburg (IN.), Stralsund (IN.), and Kolberg (IN.). To Italy, 3—Pillau (IN.), Graudenz (IN.), and Strassburg (IN.). To Japan, 1—Augsburg. To the United States, 1—Frankfurt.

Flotilla leaders—To France, 1—S. 113. (IN.). To Italy, 1—V. 116 (IN.).

Destroyers—To Great Britain, 39—S. 137, V. 128, V. 125, B. 98 (wrecked), G. 95, G. 92, V. 82, V. 81 (foundered), V. 73, V. 71, S. 54 (foundered), S. 51 (foundered), V. 44, V. 28, V. 26, S. 24, T. 197, T. 195, T. 193, T. 192, T. 189, T. 186, T. 184, T. 183, T. 182, T. 180, T. 179, T. 178, T. 176, T. 174, T. 173, T. 169, T. 166, T. 165, T. 164, T. 163, T. 161, T. 160, and T. 159. To France, 11—H. 147 (IN.), H. 146 (IN.), S. 139 (IN.), S. 135 (IN.), S. 134 (IN.),

<sup>1</sup>Data from the London *Times*, October 12 and November 17, 1919.



S. 133 (IN.), V. 130 (IN.), V. 126, V. 100, V. 79 (IN.), V. 46. To Japan, 4—V. 127, V. 80, S. 60, and T. 181. To Italy, 2—B. 97 (IN.), S. 63 (IN.). To United States, 3—S. 132, G. 102, and V. 43.

Torpedo-Boats—All 50 boats allocated to Great Britain to be broken up, with the exception of six to be selected by Brazil and six by Poland from those at Rosyth, which after disarmament are being used for police purposes. On November 4, 1919, Brazil received the V.105, V.106, A.74, A.76, A.81, and A.93, and Poland the V.108, A.59, A.64, A.68, A.69, and A.80.

The auxiliary vessel *Cyclops* also broken up by Great Britain.

On June 21, 1919, 10 battleships, five battle cruisers, five light cruisers, and 28 destroyers of the interned German ships were sunk at Scapa, but the cruisers *Nürnberg*, *Emden* and *Frankfurt*, with several of the destroyers, were salvaged, and these are in the foregoing list.

#### DISPOSITION OF THE AUSTRO-HUNGARIAN FLEET (Not counted toward reparation)

Battleships (all broken up)—To Great Britain, 6—*Erzherzog Ferdinand Max*, *Badenberg*, *Arpad*, *Hapsburg*, *Budapest*, and *Monarch*. To France, 3—*Prinz Eugen*, *Erzherzog Friedrich*, and *Erzherzog Karl*. To Italy, 3—*Tegetthoff*, *Zrinyi*, and *Radetzki*.

Two cruisers, *Sankt Georg* and *Kaiser Karl VI*, allotted to Great Britain to be broken up.

Light cruisers—To Great Britain, 6—*Admiral Spaun*, *Szigetvar*, *Aspern*, *K.U.K. Maria Theresa*, *Panther*, and *Leopard*; all broken up. To Italy, 2—*Helgoland* and *Saida*. To France, 1—*Novara*. These three ships incorporated in their respective fleets.

Destroyers—To Italy, 15—*Lika* (IN.), *Uszok* (IN.), *Triglav* (IN.), *Orgen* (IN.), *Cspel* (IN.), *Balaton* (IN.), *Tatra* (IN.), *Varasdiner* (BR.), *Huszar* (BR.), *Dinara* (BR.), *Velebit* (BR.), *Czikos* (BR.), *Turul* (BR.), *Uskoke* (BR.), and *Scharfschutze* (BR.). To France, 3—*Dukla* (IN.), *Reka* (BR.), and *Pandur* (BR.). To Greece, 1—*Ulan* (IN.).

Torpedo-Boats—To Great Britain, 13—50 E., 51 T., 53 T., 55 T., 56 T., 57 T., 58 T., 59 T., 8, 9, 10, 14, and 18; all broken up. To Serbo-Czechoslovakia, 11—87 F., 93 F., 96 F., 76 T., 77 T., 78 T., 79 T., 69 F., 54 T., 60 T., 61 T.; all for police duties. To Greece, 7—98 M., 99 M., 100 M., 92 F., 94 F., 95 F., 96 F.; all for police duties. To Rumania, 7—82 F., 83 F., 84 F., 74 T., 75 T., 80 T., and 81 T.; all for police duties. To Portugal, 6—85 F., 86 F., 88 F., 89 F., 90 F.; all for police duties; and 91 F. To Italy, 6—52 T., 1, 2, 4, 5, 6; all broken up. To France, 4—13, 15, 16, and 17; all broken up.

The torpedo-gunboats all broken up; one by France, the remainder by Italy. Of the mining vessels, two allotted by Great Britain for breaking up and two to France for the same purpose.

This number completes Volume III of the LEAGUE OF NATIONS. Like Volumes I and II for 1918 and 1919, this volume will be immediately available in bound and indexed form. The price per volume is \$1.00. A subscription price of \$1.25 includes the current numbers of the LEAGUE OF NATIONS for one year and a bound volume at the end.

The first number of Volume IV, now in press, is a double number summarizing the proceedings of the first Assembly of the League of Nations, held at Geneva, November 15 to December 18, 1920. In order to preserve so far as possible the atmosphere of this historic first Assembly, the speeches of participants in the more important debates are freely quoted. Effort is made to give some account of the successive stages of the discussions, while resolutions finally adopted are carried textually. It is believed that the document will be of permanent value both to the general reader and the student of international affairs.

# COVENANT OF THE LEAGUE OF NATIONS

## THE HIGH CONTRACTING PARTIES

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honorable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, Agree to this Covenant of the League of Nations.

### *Membership and Withdrawal*

ARTICLE 1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant, and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accessions shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guaranties of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

### *Executive Organs*

ARTICLE 2. The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

### *Assembly*

ARTICLE 3. The Assembly shall consist of representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time, as occasion may require, at the Seat of the League, or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

### *Council*

ARTICLE 4. The Council shall consist of representatives of the Principal Allied and Associated Powers [United States of America, the British Empire, France, Italy and Japan], together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Greece and Spain shall be Members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League, whose Representatives shall always be Members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a Member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

### *Voting and Procedure*

ARTICLE 5. Except where otherwise expressly provided in this Covenant, or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be

decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

### *Secretariat*

ARTICLE 6. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and the staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

### *Seat, Qualifications for Officials, Immunities*

ARTICLE 7. The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

### *Reduction of Armaments*

ARTICLE 8. The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every 10 years.



After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programs, and the condition of such of their industries as are adaptable to warlike purposes.

#### *Permanent Military Commission*

ARTICLE 9. A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

#### *Guaranties Against Aggression*

ARTICLE 10. The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled.

#### *Action in Case of War or Threat of War*

ARTICLE 11. Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise, the Secretary-General shall, on the request of any Member of the League, forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

#### *Disputes to Be Submitted to Arbitration or Inquiry*

ARTICLE 12. The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will

submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

### *Arbitration of Disputes*

ARTICLE 13. The Members of the League agree that, whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

### *Court of International Justice*

ARTICLE 14. The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

### *Disputes Not Submitted to Arbitration*

ARTICLE 15. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the

dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary-General, as promptly as possible, statements of their case, with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavor to effect a settlement of the dispute and, if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the Members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Represent-

atives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

### *Sanctions*

ARTICLE 16. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

### *Disputes with Non-Members*

ARTICLE 17. In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of Membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16, inclusive, shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given, the Council shall immediately

institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of Membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute, when so invited, refuse to accept the obligations of Membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

### *Registration and Publication of Treaties*

ARTICLE 18. Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

### *Review of Treaties*

ARTICLE 19. The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable, and the consideration of international conditions whose continuance might endanger the peace of the world.

### *Abrogation of Inconsistent Obligations*

ARTICLE 20. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

### *Engagements that Remain Valid*

ARTICLE 21. Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.



*Control of Colonies and Territories*

ARTICLE 22. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be intrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as Southwest Africa and certain of the South Pacific islands, which, owing to the sparseness of their population or their small size, or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories, and to advise the Council on all matters relating to the observance of the mandates.

### *Social Activities*

ARTICLE 23. Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

- (a) will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations;
- (b) undertake to secure just treatment of the native inhabitants of territories under their control;
- (c) will intrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs;
- (d) will intrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;
- (e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;
- (f) will endeavor to take steps in matters of international concern for the prevention and control of disease.

### *International Bureaus*

ARTICLE 24. There shall be placed under the direction of the League all international bureaus already established by general treaties, if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaus or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

#### *Promotion of Red Cross*

ARTICLE 25. The Members of the League agree to encourage and promote the establishment and co-operation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

#### *Amendments*

ARTICLE 26. Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

## ANNEX

## I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS, SIGNATORIES OF THE TREATY OF PEACE.

United States of America	Haiti
Belgium	Hedjaz
Bolivia	Honduras
Brazil	Italy
British Empire	Japan
Canada	Liberia
Australia	Nicaragua
South Africa	Panamá
New Zealand	Perú
India	Poland
China	Portugal
Cuba	Rumania
Ecuador	Serb-Croat-Slovene State
France	Siam
Greece	Czecho-Slovakia
Guatemala	Uruguay

## STATES INVITED TO ACCEDE TO THE COVENANT.

Argentine Republic	Persia
Chile	Salvador
Colombia	Spain
Denmark	Sweden
Netherlands	Switzerland
Norway	Venezuela
Paraguay	

## II. FIRST SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

The Honorable Sir James Eric Drummond, K. C. M. G., C. B.

## APPENDIX II

### TREATIES OF THE SETTLEMENT

[References are in most cases to Parliamentary Papers, Accounts and Papers, State Papers, Treaty Series]

1a. Treaty of peace with Germany. Washington, Government Printing Office, 1919. 192 p. 23½ cm. (66th Cong., 1st sess., Sen. Doc. No. 49.) The signatories are listed *ante*, pages 7-9.

The quarto print for the Committee on Foreign Relations is Sen. Doc. No. 51; the reported treaty is Sen. Doc. No. 85. No American edition with maps is available.

The official edition of the Interallied Peace Conference, copies of which were ratified, is:

Traité de paix entre les Puissances alliés et associées et l'Allemagne et protocole signés à Versailles, le 28 juin 1919. Treaty of peace between the Allied and Associated Powers and Germany and protocol signed at Versailles, June 28, 1919. (N. p. (1919). xv, 428, 4 p. 4 maps. 32½ cm.)

The best edition is:

The treaty of peace between the Allied and Associated Powers and Germany, the protocol annexed thereto, the agreement respecting the military occupation of the territories of the Rhine, and the treaty between France and Great Britain respecting assistance to France in the event of unprovoked aggression by Germany. Signed at Versailles, June 28th, 1919. (With maps and signatures in facsimile.) (London, His Majesty's Stationery Office, 1919. xv. 453 p. 9 plates; 4 maps in pocket. 32½ cm.)

1b. Index to the treaty of peace between the Allied and Associated Powers and Germany, signed at Versailles, June 28, 1919.

Treaty Series No. 1 (1920), Cmd. 516.

1c. Protocol supplementary to the treaty of peace, signed at Versailles, June 28, 1919.

Treaty Series No. 5 (1919), Cmd. 220; Gen. Doc. No. 66, 66th Cong., 1st sess.

2a. Assistance to France in the event of unprovoked aggression by Germany. Message from the President of the United States transmitting an agreement between the United States and France which was signed at Versailles, June 28, 1919, to secure the Republic of France the immediate aid of the United States in case of unprovoked movement of aggression against her on the part of Germany. Washington, Government Printing Office, 1919. (66th Cong., 1st sess., Sen. Doc. No. 63.)

2b. Treaty respecting assistance to France in the event of unprovoked aggression by Germany, signed at Versailles, June 28, 1919.

Treaty Series No. 6 (1919), Cmd. 221.

Ratification<sup>3</sup> exchanged, November 20, 1919, at Paris.



3a. Declaration by the Governments of the United States of America, Great Britain and France in regard to the occupation of the Rhine provinces [June 16, 1919]. London, H. M. Stationery Office, 1919. Cmd. 240.

3b. Agreement between the United States of America, Belgium, the British Empire and France, and Germany with regard to the military occupation of the territories of the Rhine. Signed at Versailles, June 28, 1919.

Treaty Series No. 7 (1919), Cmd. 222; Sen. Doc. No. 81, 66th Cong., 1st sess.

4. Treaty of peace between the Allied and Associated Powers and Austria, together with the Protocol and Declarations annexed thereto, signed at Saint-Germain-en-Laye, September 10, 1919. With map.

Treaty Series No. 11 (1919), Cmd. 400.

United States of America, the British Empire, France, Italy, Japan, Belgium, China, Cuba, Greece, Nicaragua, Panama, Poland, Portugal, Rumania (acceded, December 9, 1919), the Serb-Croat-Slovene State (acceded, December 5, 1919), Siam and Czecho-Slovakia, and Austria.

Conditions of Peace with Austria were published as Sen. Doc. No. 92, 66th Cong., 1st sess.

5. Treaty of peace between the Allied and Associated Powers and Bulgaria, and Protocol. Signed at Neuilly-sur-Seine, November 27, 1919. With map.

Treaty Series No. 5 (1920), Cmd. 522.

United States of America, the British Empire, France, Italy, Japan, Belgium, China, Cuba, Greece, the Hedjaz, Poland, Portugal, Rumania, the Serb-Croat-Slovene State, Siam and Czecho-Slovakia, and Bulgaria.

#### GENERAL CONVENTIONS

6. Convention for the control of the trade in arms and ammunition and Protocol, signed at Saint-Germain-en-Laye, September 10, 1919.

Treaty Series No. 12 (1919), Cmd. 414; *Bulletin de l'Institut Intermédiaire International*, II, 159-172.

United States of America, Belgium, Bolivia, the British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Haiti (acceded) January 21, 1920, the Hedjaz, Italy, Japan, Nicaragua, Panama, Peru, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Siam, Czecho-Slovakia; Brazil adhered December 22, 1919.

7. Convention relating to the liquor traffic in Africa and Protocol, signed at Saint-Germain-en-Laye, September 10, 1919.

Treaty Series No. 19 (1919), Cmd. 478; *Bulletin de l'Institut Intermédiaire International*, II, 181-185.

United States of America, Belgium, the British Empire, France, Italy, Japan and Portugal.

8. Convention revising the General Act of Berlin, February 26, 1885, and the General Act and Declaration of Brussels of July 2, 1890, signed at Saint-Germain-en-Laye, September 10, 1919.

Treaty Series No. 18 (1919), Cmd. 477; *Bulletin de l'Institut Intermédiaire International*, II, 176-181.

United States of America, Belgium, the British Empire, France, Italy, Japan and Portugal.

9. Convention relating to international aerial navigation, signed at Paris, October 13, 1919.

Belgium, Bolivia, Brazil, British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Italy, Panama, Poland, Portugal, Rumania, Siam, Czecho-Slovak State, Uruguay.

Published in draft: Air ministry. Convention relating to international air navigation. Convention relative à la navigation aérienne internationale. Cmd. 266. Reprinted: International air navigation. Convention relating to regulation of international air navigation agreed to by the Allied and Associated Powers. (French and English texts.) (Sen. Doc. No. 91, 66th Cong., 1st sess.)

#### PROTECTION OF PERSONS

10. Treaty of peace between the United States of America, the British Empire, France, Italy and Japan, and Poland. Signed at Versailles, June 28, 1919.

Treaty Series No. 8 (1919), Cmd. 223; Sen. Doc. No. 65, 66th Cong., 1st sess., *Bulletin de l'Institut Intermédiaire International*, I, 531-538.

11. Treaty [respecting the protection of ethnic and religious minorities] between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State, signed at Saint-Germain-en-Laye, September 10, 1919.

Treaty Series No. 17 (1919); *Bulletin de l'Institut Intermédiaire International*, II, 186-191.

12. Treaty between the Principal Allied and Associated Powers and Czecho-Slovakia [respecting the protection of ethnic and religious minorities], signed at Saint-Germain-en-Laye, September 10, 1919.

Treaty Series No. 20 (1919), Cmd. 479; *Bulletin de l'Institut Intermédiaire International*, II, 191-197.

13. Treaty between the Principal Allied and Associated Powers and Rumania [respecting the protection of ethnic and religious minorities], signed at Paris, December 9, 1919.

Treaty Series No. 6 (1920), Cmd. 588; *Current History*, March, 1920, xi, part II, 531-534.

See Allies' note of October 12, *Le Temps*, November 5, 1919.

14. Convention between Greece and Bulgaria respecting reciprocal emigration, signed at Neuilly-sur-Seine, November 27, 1919.

Parl. Pap., Miscellaneous No. 3 (1920), Cmd. 589.

In accordance with Article 56, par. 2, of the Treaty of Peace with Bulgaria.

#### DISTRIBUTION OF REPARATION

15a. Agreement between the Allied and Associated Powers with regard to the contributions to the cost of liberation of the territories of the former Austro-Hungarian Monarchy, signed at Saint-Germain-en-Laye, September 10, 1919.

Treaty Series No. 14 (1919), Cmd. 458; *Bulletin de l'Institut Intermédiaire International*, II, 174-175.

15b. Agreement between the Allied and Associated Powers with regard to the Italian reparation payments, signed at Saint-Germain-en-Laye, September 10, 1919.

Treaty Series No. 15 (1919), Cmd. 459; *Bulletin de l'Institut Intermédiaire International*, II, 172-174.

United States of America, Belgium, the British Empire, China, Cuba, France, Greece, Italy, Japan, Nicaragua, Panama, Poland, Portugal, Rumania, Serb-Croat-Slovene State, Siam, the Czecho-Slovak State.

15c. Declaration modifying the Agreement of September 10, 1919. Signed at Paris, December 8, 1919.

Parl. Pap., Cmd. 637.

#### AFRICAN ARRANGEMENTS

16. Agreement between the United Kingdom and Belgium respecting boundaries in East Africa (Mount Sabinio to the Congo-Nile watershed), Signed at London, February 3, 1915. Ratifications exchanged at London, October 20, 1919.

Treaty Series No. 2 (1920), Cmd. 517.

17. Convention signed at Paris, September 8, 1919, with a view to completing the provisions of the agreement of June 14, 1898, and of the additional declaration of March 21, 1899, establishing the frontier of French and English possessions and spheres of influence situated west and east of the Niger.

#### OCCUPIED TERRITORY

18. Convention concluded between Belgium and Germany in regard to German marks, signed at Berlin, November 25, 1919.

*The Americas*, April, 1920, 14-15.

## APPENDIX III

### DUTIES OF THE LEAGUE OF NATIONS

#### AS PRESCRIBED IN THE TREATIES CONSTITUTING THE PEACE SETTLEMENT OF THE WORLD WAR

[*Note:* This compilation lists all references in the treaties to the League of Nations, but does not present a full view of all the details of the duties assigned indirectly to the League or directly to organs dependent in some degree upon it.]

The Covenant of the League of Nations is Part I, Articles 1 to 26, of the treaties of peace with Germany, Austria, Bulgaria, Hungary and the Ottoman Empire.

The provisions respecting Labor are Part XIII, Articles 387 to 427, of the Treaty of Peace with Germany; Part XIII, Articles 332 to 372, of the Treaty of Peace with Austria; Part XII, Articles 249 to 289, of the Treaty of Peace with Bulgaria; and will appear in those with Hungary and the Ottoman Empire.

#### 1. MAINTENANCE OF JUSTICE

##### a. PERMANENT COURT OF INTERNATIONAL JUSTICE

In the case of a disagreement of two or more States relating to the interpretation of the present Convention, the question in dispute shall be determined by the Permanent Court of International Justice to be established by the League of Nations and until its establishment by arbitration. . . .—Art. 38, *International Air Navigation Convention*.

In view of the geographical situation of the Czecho-Slovak State, Austria agrees to the following modifications in the International Telegraph . . . Conventions [of July 22, 1875, and of June 11, 1908]:

(5). The particular lines to be provided together with any necessary administrative, technical and financial conditions not provided for in existing International Conventions or in this Article shall be fixed by a further convention between the States concerned. In default of agreement on such convention they will be fixed by an arbitrator appointed by the Council of the League of Nations.

(6). The stipulations of the present Article may be varied at any time by agreement between Austria and the Czecho-Slovak State. After the expiration of ten years from the coming into force of the present Treaty the conditions under which the Czecho-Slovak State shall enjoy the rights conferred by this Article may, in default of agreement by the parties, be modified at the request of either party by an arbitrator designated by the Council of the League of Nations.

(7). In case of any dispute between the parties as to the interpretation

either of this Article or of the Convention referred to in paragraph 5, this dispute shall be submitted for decision to the Permanent Court of International Justice to be established by the League of Nations.—Art. 327, *Treaty of Peace with Austria*.

#### b. TO ACT AS ARBITER

Each of the Allied or Associated Powers, being guided by the general principles or special provisions of the present Treaty, shall notify to Germany the bilateral treaties or conventions which such Allied or Associated Power wishes to revive with Germany. . . .

The Allied and Associated Powers undertake among themselves not to revive with Germany any conventions or treaties which are not in accordance with the terms of the present Treaty.

The notification shall mention any provisions of the said conventions and treaties which, not being in accordance with the terms of the present Treaty, shall not be considered as revived.

In case of any difference of opinion, the League of Nations will be called on to decide. . . .—Art. 289, *Treaty of Peace with Germany*.

Article 241, Treaty of Peace with Austria, reads in first paragraph: "bilateral agreements of all kinds which were in force between her and the former Austro-Hungarian Monarchy, and which she wishes should be in force as between her and Austria."—In the third paragraph: "not to apply, as between themselves and Austria any agreements."—In the fourth paragraph: "said agreements," and "as coming into force."

Article 168, Treaty of Peace with Bulgaria, *mutatis mutandis*, with Austria.

Disputes which may arise between interested Powers with regard to the interpretation and application of the preceding Articles [ports, waterways and railways] shall be settled as provided by the League of Nations.—Art. 376, *Treaty of Peace with Germany*.

Article 328, Treaty of Peace with Austria, and Article 245, Treaty of Peace with Bulgaria, *mutatis mutandis*.

The immunities and privileges of foreigners as well as the rights of jurisdiction and of consular protection enjoyed by the Allied and Associated Powers in Bulgaria by virtue of the capitulations, usages and treaties, may form the subject of special conventions between each of the Allied and Associated Powers concerned and Bulgaria. . . .

The Allied and Associated Powers concerned undertake among themselves to conclude only such conventions as shall conform to the stipulations of the present Treaty. In case of difference of opinion among them, the League of Nations will be called upon to decide.—Art. 175, *Treaty of Peace with Bulgaria*.

Poland agrees to assume responsibility for such proportion of the



Russian public debt and other Russian public liabilities of any kind as may be assigned to her under a special convention between the Principal Allied and Associated Powers on the one hand and Poland on the other, to be prepared by a Commission appointed by the above States. In the event of the Commission not arriving at an agreement the point at issue shall be referred for immediate arbitration to the League of Nations.—Art. 21, *Treaty of Peace with Poland*.

#### c. TO APPOINT ARBITRATOR

In default of any provisions to the contrary, when as the result of the fixing of a new frontier the hydraulic system (canalization, inundations, irrigation, drainage or similar matters) in a State is dependent on works executed within the territory of another State, or when use is made on the territory of a State, in virtue of prewar usage, of water or hydraulic power, the source of which is on the territory of another State, an agreement shall be made between the States concerned to safeguard the interests and rights acquired by each of them.

Failing an agreement, the matter shall be regulated by an arbitrator appointed by the Council of the League of Nations.—Art. 309, *Treaty of Peace with Austria*.

Unless otherwise provided, when use is made for municipal or domestic purposes in one State of electricity or water, the source of which as the result of the fixing of a new frontier is on the territory of another State, an agreement shall be made between the States concerned to safeguard the interests and rights acquired by each of them. . . .

Failing an agreement, the matter shall be regulated by an arbitrator appointed by the Council of the League of Nations.—Art. 310, *Treaty of Peace with Austria*.

With the object of insuring regular utilization of the railroads of the former Austro-Hungarian Monarchy owned by private companies which, as a result of the stipulations of the present Treaty, will be situated in the territory of several States, the administrative and technical reorganization of the said lines shall be regulated in each instance by an agreement between the owning company and the States territorially concerned.

Any differences on which agreement is not reached, including questions relating to the interpretation of contracts concerning the expropriation of the lines, shall be submitted to arbitrators designated by the Council of the League of Nations.—Art. 320, *Treaty of Peace with Austria*.

#### d. TRIBUNAL IN CONFORMITY WITH COVENANT

The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application of the present

Convention which can not be settled by negotiation, this dispute shall be submitted to an arbitral tribunal in conformity with the Covenant of the League of Nations.—Art. 8, *Convention relating to the Liquor Traffic in Africa*.

The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application of the present Convention which can not be settled by negotiation, this dispute shall be submitted to an arbitral tribunal in conformity with the provisions of the Covenant of the League of Nations.—Art. 24, *Convention for the Control of the Trade in Arms and Ammunition*.

The Signatory Powers agree that if any dispute whatever should arise between them relating to the application of the present Convention which can not be settled by negotiation, this dispute shall be submitted to an arbitral tribunal in conformity with the provisions of the Covenant of the League of Nations.—Art. 12, *Convention revising the General Act of Berlin, February 26, 1885, and the General Act and Declaration of Brussels, July 2, 1890*.

#### e. TO PROVIDE SPECIAL TRIBUNAL

In default of any special organization for carrying out the works connected with the upkeep and improvement of the international portion of a navigable system, each riparian State shall be bound to take suitable measures to remove any obstacle or danger to navigation and to insure the maintenance of good conditions of navigation.

If a State neglects to comply with this obligation any riparian State, or any State represented on the International Commission, if there is one, may appeal to the tribunal instituted for this purpose by the League of Nations.—Art. 336, *Treaty of Peace with Germany*.

Article 297, Treaty of Peace with Austria, and Article 225, Treaty of Peace with Bulgaria, *mutatis mutandis*.

The same procedure shall be followed in the case of a riparian State undertaking any works of a nature to impede navigation in the international section. The tribunal mentioned in the preceding Article shall be entitled to enforce the suspension or suppression of such works, making due allowance in its decisions for all rights in connection with irrigation, water power, fisheries, and other national interests, which, with the consent of all the riparian States or of all the States represented on the International Commission, if there is one, shall be given priority over the requirements of navigation.

Appeal to the tribunal of the League of Nations does not require the suspension of the works.—Art. 337, *Treaty of Peace with Germany*.

Article 298, Treaty of Peace with Austria, and Article 226, Treaty of Peace with Bulgaria, *mutatis mutandis*.

In the event of violation of any of the conditions of Articles 380 to 386 [clauses relating to the Kiel Canal], or of disputes as to the interpretation of these Articles, any interested Power can appeal to the jurisdiction instituted for the purpose by the League of Nations.

In order to avoid reference of small questions to the League of Nations, Germany will establish a local authority at Kiel qualified to deal with disputes in the first instance and to give satisfaction so far as possible to complaints which may be presented through the consular representatives of the interested Powers.—Art. 386, *Treaty of Peace with Germany*.

Pending the conclusion on a general convention on the international régime of waterways, Poland undertakes to apply to the river system of the Vistula (including the Bug and the Narev) the régime applicable to international waterways set out in Articles 332 to 337 of the Treaty of Peace with Germany.—Art. 18, *Treaty of Peace with Poland*.

Article 16, *Treaty with Rumania, mutatis mutandis*.

## 2. PROTECTION OF ETHNIC, LINGUISTIC AND RELIGIOUS MINORITIES

Article 1. Poland [Austria,<sup>1</sup> Bulgaria,<sup>2</sup> Czecho-Slovakia, Serb-Croat-Slovene State, Rumania] undertakes that the stipulations contained in Articles 2 to 8 of this chapter shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Article 2. Poland [Austria,<sup>3</sup> Bulgaria,<sup>4</sup> Czecho-Slovakia, Serb-Croat-Slovene State,<sup>5</sup> Rumania] undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland [etc.], without distinction of birth, nationality, language, race or religion.

All inhabitants of Poland [etc.] shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

Article 3. Poland [Czecho-Slovakia,<sup>6</sup> Serb-Croat-Slovene State,<sup>7</sup> Rumania<sup>8</sup>] admits and declares to be Polish [etc.] nationals *ipso facto* and

<sup>1</sup>Treaty of Peace, Art. 62.

<sup>2</sup>Treaty of Peace, Art. 49.

<sup>5</sup>Without reference to language.

<sup>6</sup>Refers to "German, Austrian or Hungarian nationals resident or possessing rights of citizenship."

<sup>7</sup>Refers to "Austrian, Hungarian or Bulgarian nationals resident or possessing rights of citizenship."

<sup>8</sup>Applies to "all persons habitually resident at the date of the coming into force of the present Treaty within the whole territory of Rumania, including the extensions made by the Treaties of Peace with Austria and Hungary, or any other extensions which may hereafter be made, if such persons are not at that date nationals of a foreign state other than Austria or Hungary."

<sup>3</sup>Treaty of Peace, Art. 63.

<sup>4</sup>Treaty of Peace, Art. 50.

without the requirement of any formality, German, Austrian, Hungarian or Russian nationals habitually resident, at the date of the coming into force of the present treaty, in territory which is or may be recognized as forming part of Poland [etc.], but subject to any provisions in the treaties of peace with Germany or Austria respectively, relating to persons who became resident in such territory after a specified date.

Nevertheless, the persons referred to above who are over 18 years of age will be entitled under the conditions contained in the said treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must, except where it is otherwise provided in the Treaty of Peace with Germany, transfer within the succeeding 12 months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Polish [etc.] territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

Article 4. Poland [Czecho-Slovakia,<sup>1</sup> Serb-Croat-Slovene State,<sup>2</sup> Rumania<sup>3</sup>] admits and declares to be Polish [etc.] nationals, *ipso facto* and without the requirement of any formality, persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present treaty they are not themselves habitually resident there.

Nevertheless within two years after the coming into force of the present treaty, these persons may make a declaration before the competent Polish [etc.] authorities in the country in which they are resident, stating that they abandon Polish [etc.] nationality, and they will then cease to be considered as Polish [etc.] nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under 18 years of age.

Article 5. Poland [Austria,<sup>4</sup> Bulgaria,<sup>5</sup> Czecho-Slovakia, Serb-Croat-Slovene State, Rumania] undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the

<sup>1</sup>Refers to "German, Austrian or Hungarian nationals resident or possessing rights of citizenship."

<sup>2</sup>Refers to "Austrian, Hungarian or Bulgarian nationals resident or possessing rights of citizenship."

<sup>3</sup>Refers to "persons of Austrian or Hungarian nationality who were born in the territory transferred to Rumania by the Treaties of Peace with Austria and Hungary, or subsequently transferred to her."

<sup>4</sup>Treaty of Peace, Art. 81.

<sup>5</sup>Treaty of Peace, Art. 56.



treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria, Hungary or Russia, to choose whether or not they will acquire Polish [etc.] nationality.

Article 6. All persons born in Polish [Austrian,<sup>1</sup> Bulgarian,<sup>2</sup> Czecho-Slovakian, Serb-Croat-Slovene, Rumanian] territory who are not born nationals of another State shall *ipso facto* become Polish [etc.] nationals.

Article 7. All Polish [Austrian,<sup>3</sup> Bulgarian,<sup>4</sup> Czecho-Slovakian, Serb-Croat-Slovene, Rumanian<sup>5</sup>] nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish [etc.] national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honors, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Polish [etc.] national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Polish [etc.] Government of an official language, adequate facilities shall be given to Polish [etc.] nationals of non-Polish [etc.] speech for the use of their language, either orally or in writing, before the courts.

Article 8. Polish [Austrian,<sup>6</sup> Bulgarian,<sup>7</sup> Czecho-Slovakian, Serb-Croat-Slovene, Rumanian<sup>8</sup>] nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish [etc.] nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

Article 9. Poland [Austria,<sup>9</sup> Bulgaria,<sup>10</sup> Czecho-Slovakia,<sup>11</sup> Serb-Croat-Slovene State,<sup>12</sup> Rumania<sup>13</sup>] will provide in the public educational system in towns and districts in which a considerable proportion of Polish [etc.] nationals of other than Polish [etc.] speech are residents adequate facilities

<sup>1</sup>Treaty of Peace, Art. 65.

<sup>2</sup>Treaty of Peace, Art. 52.

<sup>3</sup>Treaty of Peace, Art. 66.

<sup>4</sup>Treaty of Peace, Art. 53.

<sup>5</sup>Art. 8.

<sup>6</sup>Treaty of Peace, Art. 67.

<sup>7</sup>Treaty of Peace, Art. 54.

<sup>8</sup>Art. 9.

<sup>9</sup>Treaty of Peace, Art. 68; omits par. 3.

<sup>10</sup>Treaty of Peace, Art. 55; omits par. 3.

<sup>11</sup>Omits the phrase "in the primary schools" in the first paragraph; and the third paragraph entire.

<sup>12</sup>Relates to territory transferred "since January 1, 1913."

<sup>13</sup>Art. 10; omits the third paragraph entire.



for insuring that in the primary schools the instruction shall be given to the children of such Polish [etc.] nationals through the medium of their own language. This provision shall not prevent the Polish [etc.] Government from making the teaching of the Polish [etc.] language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Polish [etc.] nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the state, municipal or other budget, for educational, religious or charitable purposes.

The provisions of this article shall apply to Polish [etc.] citizens of German speech only in that part of Poland which was German territory on August 1, 1914.

Article 10. Educational committees appointed locally by the Jewish communities of Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools in accordance with Article 9, and for the organization and management of these schools.

The provisions of Article 9 concerning the use of languages in schools shall apply to these schools.

Article 11. Jews shall not be compelled to perform any act which constitutes a violation of their Sabbath, nor shall they be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their Sabbath. This provision, however, shall not exempt Jews from such obligations as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defense or the preservation of public order.

Poland declares her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor will registration for electoral or other purposes be compelled to be performed on a Saturday.

Article 12. Poland [Austria,<sup>1</sup> Bulgaria,<sup>2</sup> Czecho-Slovakia,<sup>3</sup> Serb-Croat-Slovene State,<sup>4</sup> Rumania] agrees that the stipulations in the foregoing articles, so far as they affect persons belonging to racial, religious, or linguistic minorities, constitute obligations of international concern, and shall be placed under the guaranty of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France,

<sup>1</sup>Treaty of Peace, Art. 69.

<sup>2</sup>Treaty of Peace, Art. 57.

<sup>3</sup>Art. 14.

<sup>4</sup>Art. 11.

Italy, and Japan hereby agree not to withhold their assent from any modification in these articles which is in due form assented to by a majority of the Council of the League of Nations.

Poland [etc.] agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Poland [etc.] further agrees that any difference of opinion as to questions of law or fact arising out of these articles, between the Polish [etc.] Government and any of the Principal Allied and Associated Powers, or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish [etc.] Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

### 3. INSTITUTIONS ESTABLISHED

#### a. COMMISSIONS OF THE LEAGUE

The boundaries of the territory of the Saar Basin, as dealt with in the present stipulations, will be fixed as follows: . . .

A Commission composed of five members, one appointed by France, one by Germany, and three by the Council of the League of Nations, which will select nationals of other Powers, will be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line described above. . . .—Art. 48, *Treaty of Peace with Germany*.

Germany renounces in favor of the League of Nations, in the capacity of trustee, the government of the [Saar Basin] territory defined above.

At the end of fifteen years from the coming into force of the present Treaty the inhabitants of the said territory shall be called upon to indicate the sovereignty under which they desire to be placed.—Art. 49, *Treaty of Peace with Germany*.

The Government of the territory of the Saar Basin shall be intrusted to a Commission representing the League of Nations. This Commission shall sit in the territory of the Saar Basin.

The Governing Commission provided for by paragraph 16 shall consist of five members chosen by the Council of the League of Nations, and will include one citizen of France, one native inhabitant of the Saar Basin,

not a citizen of France, and three members belonging to three countries other than France or Germany.

The members of the Governing Commission shall be appointed for one year and may be re-appointed. They can be removed by the Council of the League of Nations, which will provide for their replacement.

The members of the Governing Commission will be entitled to a salary which will be fixed by the Council of the League of Nations, and charged on the local revenues.

The Chairman of the Governing Commission shall be appointed for one year from among the members of the Commission by the Council of the League of Nations and may be reappointed.

The Chairman will act as the executive of the Commission.—Art. 50, Annex, pars. 16-18, *Treaty of Peace with Germany*.

At the termination of a period of fifteen years from the coming into force of the present Treaty, the population of the territory of the Saar Basin will be called upon to indicate their desires in the following manner:

A vote will take place by communes or districts, on the three following alternatives: (a) maintenance of the régime established by the present Treaty and by this Annex; (b) union with France; (c) union with Germany.

All persons without distinction of sex, more than twenty years old at the date of the voting, resident in the territory at the date of the signature of the present Treaty, will have the right to vote.

The other conditions, methods and the date of the voting shall be fixed by the Council of the League of Nations in such a way as to secure the freedom, secrecy and trustworthiness of the voting.

The League of Nations shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting:

(a) If, for the whole or part of the territory, the League of Nations decides in favor of the maintenance of the régime established by the present Treaty and this Annex, Germany hereby agrees to make such renunciation of her sovereignty in favor of the League of Nations as the latter shall deem necessary. It will be the duty of the League of Nations to take appropriate steps to adapt the régime definitively adopted to the permanent welfare of the territory and the general interest;

(b) If, for the whole or part of the territory, the League of Nations decides in favor of union with France, Germany hereby agrees to cede to France in accordance with the decision of the League of Nations all rights and title over the territory specified by the League;

(c) If, for the whole or part of the territory, the League of Nations decides in favor of union with Germany, it will be the duty of the League of Nations to cause the German Government to be re-established in the government of the territory specified by the League.

If the League of Nations decides in favor of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of the territory will be repurchased by Germany in their entirety at a price payable in gold. The price to be paid will be fixed by three experts, one nominated by Germany, one by France, and one, who shall be neither a Frenchman nor a German, by the Council of the League of Nations; the decision of the experts will be given by a majority. . . .

If, in consequence of the repurchase provided for in paragraph 36, the ownership of the mines or any part of them is transferred to Germany, the French State and French nationals shall have the right to purchase such amount of coal of the Saar Basin as their industrial and domestic needs are found at that time to require. An equitable arrangement regarding amounts of coal, duration of contract, and prices will be fixed in due time by the Council of the League of Nations.

The Council of the League of Nations shall make such provisions as may be necessary for the establishment of the régime which is to take effect after the decisions of the League of Nations mentioned in paragraph 35 have become operative, including an equitable apportionment of any obligations of the Government of the territory of the Saar Basin arising from loans raised by the Commission or from other causes. . . .

In all matters dealt with in the present Annex, the decisions of the Council of the League of Nations will be taken by a majority.—Art. 50, Annex, pars. 34-40, *Treaty of Peace with Germany*.

The Principal Allied and Associated Powers undertake to establish the town of Danzig, together with the rest of the territory described in Article 100, as a Free City. It will be placed under the protection of the League of Nations.—Art. 102, *Treaty of Peace with Germany*.

A constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League of Nations. This constitution shall be placed under the guaranty of the League of Nations.—Art. 103, *Treaty of Peace with Germany*.

There shall be instituted, under the name of the International Commission for Air Navigation and as part of the organization of the League of Nations, a permanent Commission composed of:

Two representatives of each of the following States: The United States of America,<sup>1</sup> France, Italy, and Japan;

One representative of Great Britain and one of each of the British Dominions and India;

<sup>1</sup>The United States did not sign the convention with the other negotiating Powers on October 13, 1919.



One representative of each of the other contracting States.

Each of the five States first-named (Great Britain, the British Dominions and India counting for this purpose as one State) shall have the least whole number of votes which, when multiplied by five, will give a product exceeding by at least one vote the total number of votes of all the other contracting States.

All the States other than the five first-named shall have each one vote.—Art. 35, *International Air Navigation Convention*.

Within a period of three months from the entry into force of the present Convention a mixed Commission [for supervising and facilitating voluntary emigration] shall be created, composed of one member nominated by each of the contracting States concerned and of an equal number of members of a different nationality, from among whom the president shall be chosen, and who shall be nominated by the Council of the League of Nations.—Art. 8, *Convention between Greece and Bulgaria respecting reciprocal emigration*.

#### b. OFFICES UNDER THE LEAGUE

A Central International Office, placed under the control of the League of Nations, shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the trade in, and distribution of, the arms and ammunition specified in the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the export licenses which it may have granted, together with the quantities and destination of the arms and ammunition to which the export licenses referred. A copy of this report shall be sent to the Central International Office and to the Secretary-General of the League of Nations.

Further, the High Contracting Parties agree to send to the Central International Office and to the Secretary-General of the League of Nations full statistical information as to the quantities and destination of all arms and ammunition exported without license.—Art. 5, *Convention for the Control of the Trade in Arms and Ammunition*.

A Central International Office, placed under the control of the League of Nations, shall be established for the purpose of collecting and preserving documents of all kinds exchanged by the High Contracting Parties with regard to the importation and manufacture of spirituous liquors under the conditions referred to in the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the quantities of spirituous beverages imported or manufactured and the duties levied under Articles 4 and 5. A copy of this report shall



be sent to the Central International Office and to the Secretary-General of the League of Nations.—Art. 7, *Convention relating to the Liquor Traffic in Africa*.

#### 4. ACTION OF THE LEAGUE

##### a. FUTURE DECISIONS

During the six months after the coming into force of this Treaty, registers will be opened by the Belgian authority at Eupen and Malmedy in which the inhabitants of the above territory will be entitled to record in writing a desire to see the whole or part of it remain under German sovereignty.

The results of this public expression of opinion will be communicated by the Belgian Government to the League of Nations, and Belgium undertakes to accept the decision of the League.—Art. 34, *Treaty of Peace with Germany*.

Up till the time at which Germany is admitted as a member of the League of Nations the German Army must not possess an armament greater than the amounts fixed in Table No. II annexed to this Section, with the exception of an optional increase not exceeding one twenty-fifth part for small arms and one-fiftieth part for guns, which shall be exclusively used to provide for such eventual replacements as may be necessary.

Germany agrees that after she has become a member of the League of Nations the armaments fixed in the said Table shall remain in force until they are modified by the Council of the League. Furthermore she hereby agrees strictly to observe the decisions of the Council of the League on this subject.—Art. 164, *Treaty of Peace with Germany*.

The obligations imposed on Germany by Chapter I [customs regulations, duties and restrictions] and by Articles 271 and 272 of Chapter II [shipping] above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.

Article 276 of Chapter IV [treatment of nationals of Allied and Associated Powers] shall remain in operation, with or without amendment, after the period of five years for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the League of Nations.—Art. 280, *Treaty of Peace with Germany*.

Article 232, *Treaty of Peace with Austria*, has as second paragraph: "Nevertheless it is agreed that unless the League of Nations decides otherwise an Allied or Asso-

ciated Power shall not after the expiration of three years from the coming into force of the present Treaty be entitled to require the fulfilment by Austria of the provisions of Articles 217, 218, 219 or 220 [customs regulations, duties and restrictions] unless that Power accords correlative treatment to Austria."

Article 160, Treaty of Peace with Bulgaria, *mutatis mutandis* with Austria.

The conditions of the transfer [to mandatory Powers of reserves attributable to the performance of obligations of social or state insurance] will be determined by special conventions to be concluded between the German Government and the Governments concerned.

In case these special conventions are not concluded in accordance with the above paragraph within three months after the coming into force of the present Treaty, the conditions of transfer shall in each case be referred to a Commission of five members, one of whom shall be appointed by the German Government, one by the other interested Government and three by the Governing Body of the International Labor Office from the nationals of other States. This Commission shall by majority vote within three months after appointment adopt recommendations for submission to the Council of the League of Nations, and the decisions of the Council shall forthwith be accepted as final by Germany and the other Government concerned.—Art. 312, *Treaty of Peace with Germany*.

Article 275, Treaty of Peace with Austria, *mutatis mutandis*, and applying "to any Power to which territory of the former Austro-Hungarian monarchy is transferred, or which arises from the dismemberment of that monarchy."

Article 203, Treaty of Peace with Bulgaria, *mutatis mutandis* as to Austria.

The régime set out in Articles 332 to 337 above shall be superseded by one to be laid down in a General Convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to the waterways recognized in such Convention as having an international character. This Convention shall apply in particular to the whole or part of the above-mentioned river systems of the Elbe (*Labe*), the Oder (*Odra*), the Niemen (*Russstrom-Memel-Niemen*), and the Danube, and such other parts of these river systems as may be covered by a general definition.

Germany undertakes, in accordance with the provisions of Article 379, to adhere to the said General Convention as well as to all projects prepared in accordance with Article 343 below for the revision of existing international agreements and regulations.—Art. 338, *Treaty of Peace with Germany*.

Article 299, Treaty of Peace with Austria, *mutatis mutandis*, and applying to "the river system of the Danube."

Article 227, Treaty of Peace with Bulgaria, *mutatis mutandis* as to Austria.

*b. CONTINGENT ON EVENTS*

Germany and Poland undertake, within one year of the coming into force of this Treaty, to enter into conventions of which the terms, in case of difference, shall be settled by the Council of the League of Nations, with the object of securing, on the one hand to Germany full and adequate railroad, telegraphic and telephonic facilities for communication between the rest of Germany and East Prussia over the intervening Polish territory, and on the other hand to Poland full and adequate railroad, telegraphic and telephonic facilities for communication between Poland and the Free City of Danzig over any German territory that may, on the right bank of the Vistula, intervene between Poland and the Free City of Danzig.—Art. 98, *Treaty of Peace with Germany*.

So long as the present Treaty remains in force, Germany [as respects the military, naval and air clauses] undertakes to give every facility for any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.—Art. 213, *Treaty of Peace with Germany*.

Article 159, Treaty of Peace with Austria, which “undertakes to submit to any investigation,” etc.

Article 104, Treaty of Peace with Bulgaria, which “undertakes to submit to any investigation,” etc.

(a) Within three months from the date of the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Germany on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons, either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations. . . . These persons shall be nationals of Powers that have remained neutral during the war. . . .—Art. 304, *Treaty of Peace with Germany*.

Article 256, Treaty of Peace with Austria, and Article 188, Treaty of Peace with Bulgaria, *mutatis mutandis*.

At any time the League of Nations may recommend the revision of such of these Articles as relate to a permanent administrative régime [of ports, railways and waterways].—Art. 377, *Treaty of Peace with Germany*.

Article 329, Treaty of Peace with Austria, and Article 246, Treaty of Peace with Bulgaria, *mutatis mutandis*.

The stipulations in Articles 321 to 330, 332, 365, and 367 to 369 shall be subject to revision by the Council of the League of Nations at any time after five years from the coming into force of the present Treaty.

Failing such revision, no Allied or Associated Power can claim after the expiration of the above period of five years the benefit of any of the stipulations in the Articles enumerated above on behalf of any portion of its territories in which reciprocity is not accorded in respect of such stipulations. The period of five years during which reciprocity can not be demanded may be prolonged by the Council of the League of Nations.—Art. 378, *Treaty of Peace with Germany*.

Article 330, Treaty of Peace with Austria, with reference to Articles 284 to 290, 293, 312, 314 to 316 and 326. The period is "three years."

Article 247, Treaty of Peace with Bulgaria, with reference to Articles 212 to 218, 221, 236, and 238 to 240. The period is "three years."

The technical, administrative and financial conditions under which the rights of the Czecho-Slovak State shall be exercised shall be laid down in a Convention between the railway administration of the Czecho-Slovak State and the railway administrations of the Austrian systems concerned. If the administrations can not come to an agreement on the terms of this Convention, the points of difference shall be decided by an arbitrator nominated by Great Britain, and his decisions shall be binding on all parties.

In the event of disagreement as to the interpretation of the Convention or of difficulties arising unprovided for in the Convention, the same form of arbitration will be adopted until such time as the League of Nations may lay down some other procedure.—Art. 324, *Treaty of Peace with Austria*.

#### c. CONTINGENT ON REQUEST

Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations.—Art. 80, *Treaty of Peace with Germany*.

The independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations. Consequently Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the League of Nations, by participation in the affairs of another Power.—Art. 88, *Treaty of Peace with Austria*.

On a request being made to the League of Nations by any riparian



State, the Niemen (*Russstrom-Memel-Niemen*) shall be placed under the administration of an International Commission, which shall comprise one representative of each riparian State, and three representatives of other States specified by the League of Nations.—Art. 342, *Treaty of Peace with Germany*.

Without prejudice to the special obligations imposed on her by the present Treaty for the benefit of the Allied and Associated Powers, Germany undertakes to adhere to any General Conventions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allied and Associated Powers, with the approval of the League of Nations, within five years of the coming into force of the present Treaty.—Art. 379, *Treaty of Peace with Germany*.

Article 331, Treaty of Peace with Austria, and Article 248, Treaty of Peace, with Bulgaria, *mutatis mutandis*.

Poland undertakes to adhere, within twelve months of the coming into force of the present Treaty, to the International Conventions specified in Annex I.

Poland undertakes to adhere to any new convention concluded with the approval of the Council of the League of Nations within five years of the coming into force of the present Treaty, to replace any of the international instruments specified in Annex I.

The Polish Government undertakes within twelve months to notify the Secretary-General of the League of Nations whether or not Poland desires to adhere to either or both of the International Conventions specified in Annex II. . . .

## ANNEX I

### TELEGRAPHIC AND RADIOTELEGRAPHIC CONVENTIONS

International Telegraphic Convention signed at St. Petersburg July 10/22, 1875.

Regulations and tariffs drawn up by the International Telegraph Conference, signed at Lisbon, June 11, 1908.

International Radiotelegraphic Convention, July 5, 1912.

### RAILWAY CONVENTIONS

Conventions and arrangements signed at Bern on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, and the current supplementary provisions made under those Conventions.

Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.



Agreement of May 15, 1886, regarding the technical standardization of railways, as modified on May 18, 1907.

#### SANITARY CONVENTION

Convention of December 3, 1903.

#### OTHER CONVENTIONS

Convention of September 26, 1906, for the suppression of night work for women.

Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

Convention of May 18, 1904, and May 4, 1910, regarding the suppression of the white slave traffic.

Convention of May 4, 1910, regarding the suppression of obscene publications.

International convention of Paris of March 20, 1883, as revised at Washington in 1911, for the protection of industrial property.

International convention of September 9, 1886, revised at Berlin on November 13, 1908, and completed by the additional Protocol signed at Bern on March 20, 1914, for the protection of literary and artistic work.

#### ANNEX II

Agreement of Madrid of April 14, 1891, for the prevention of false indications of origin on goods, revised at Washington in 1911.

And agreement of Madrid of April 14, 1891, for the international registration of trade marks, revised at Washington in 1911.—Art. 18, *Treaty of Peace with Poland*.

Article 20, Treaty with Czecho-Slovakia, *mutatis mutandis*, annex including the Postal Conventions and Agreements of 1891, 1897 and 1906.

Within the prohibited areas specified in Article 6, a State which is compelled to utilize the territory of a contiguous State for the importation of arms or ammunition, whether complete or in parts, or of material or of articles intended for armament, shall be authorized on request to have them transported across the territory of such State.

It shall, however, when making any such request, furnish guaranties that the said articles are required for the needs of its own Government, and will at no time be sold, transferred or delivered for private use nor used in any way contrary to the interests of the High Contracting Parties.

Any violation of these conditions shall be formally established in the following manner:

(b) If the importing State has been placed under the mandatory system established by the League of Nations, the proof of the violation shall be furnished by one of the High Contracting Parties or on its own initiative by the Mandatory Power. The latter shall then notify or demand, as the case may be, the suspension and future refusal of all transit licenses.

In cases where a violation has been duly proved, no further transit license shall be granted to the offending State without the previous consent of the Council of the League of Nations. . . .—Art. 10, *Convention for the Control of the Trade in Arms and Ammunition*.

## 5. EQUALITY AMONG MEMBERS

In fixing the conditions and hours of labor for men, women and children, the Governing Commission [of the Saar Basin] is to take into consideration the wishes expressed by the local labor organizations, as well as the principles adopted by the League of Nations.—Art. 50, Annex, par. 23, *Treaty of Peace with Germany*.

Article 1. The Signatory Powers undertake to maintain between their respective nationals and those of States, Members of the League of Nations, which may adhere to the present Convention a complete commercial equality in the territories under their authority within the area [of the basin of the Kongo and adjacent territories], but subject to the reservation specified in the final paragraph of [Article 1 of the General Act of Berlin of February 26, 1885].

Article 2. Merchandise belonging to the nationals of the Signatory Powers, and to those of States, Members of the League of Nations, which may adhere to the present Convention, shall have free access to the interior of the regions specified in Article 1. No differential treatment shall be imposed upon the said merchandise on importation or exportation, the transit remaining free from all duties, taxes, or dues, other than those collected for services rendered.

Vessels flying the flag of any of the said Powers shall also have access to all the coast and to all maritime ports in the territories specified in Article 1; they shall be subject to no differential treatment. . . .

Article 3. In the territories specified in Article 1 and placed under the authority of one of the Signatory Powers, the nationals of those Powers, or of States, Members of the League of Nations, which may adhere to the present Convention, shall, subject only to the limitations necessary for the maintenance of public security and order, enjoy without distinction the same treatment and the same rights as the nationals of the Power exercising authority in the territory, with regard to the protection of their persons and effects, with regard to the acquisition and transmission of

their movable and real property, and with regard to the exercise of their professions.

Article 4. Each State reserves the right to dispose freely of its property and to grant concessions for the development of the natural resources of the territory, but no regulation on these matters shall admit of any differential treatment between the nationals of the Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention.

Article 5. Subject to the provisions of the present chapter, the navigation of the Niger, of its branches and outlets, and of all the rivers, and of their branches and outlets, within the territories specified in Article 1, as well as of the lakes situated within those territories, shall be entirely free for merchant vessels and for the transport of goods and passengers.

Craft of every kind belonging to the nationals of the Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention shall be treated in all respects on a footing of perfect equality.

Article 7. The affluents of the rivers and lakes specified in Article 5 shall in all respects be subject to the same rules as the rivers or lakes of which they are tributaries. The roads, railways or lateral canals which may be constructed with the special object of obviating the innavigability or correcting the imperfections of the water route on certain sections of the rivers and lakes specified in Article 5, their affluents, branches and outlets, shall be considered, in their quality of means of communication, as dependencies of these rivers and lakes, and shall be equally open to the traffic of the nationals of the Signatory Powers and of the States, Members of the League of Nations, which may adhere to the present Convention.

On these roads, railways and canals only such tolls shall be collected as are calculated on the cost of construction, maintenance and management, and on the profits reasonably accruing to the undertaking. As regards the tariff of these tolls, the nationals of the Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention, shall be treated on a footing of perfect equality.

Article 11. The Signatory Powers exercising sovereign rights or authority in African territories will continue to watch over the preservation of the native populations and to supervise the improvement of the conditions of their moral and material well-being. They will, in particular, endeavor to secure the complete suppression of slavery in all its forms and of the slave trade by land and sea.

They will protect and favor, without distinction of nationality or of religion, the religious, scientific or charitable institutions and undertakings created and organized by the nationals of the other Signatory

Powers and of States, Members of the League of Nations, which may adhere to the present Convention, which aim at leading the natives in the path of progress and civilization. Scientific missions, their property and their collections, shall likewise be the objects of special solicitude.

Freedom of conscience and the free exercise of all forms of religion are expressly guaranteed to all nationals of the Signatory Powers and to those under the jurisdiction of States, Members of the League of Nations, which may become parties to the present Convention. Similarly, missionaries shall have the right to enter into, and to travel and reside in, African territory with a view to prosecuting their calling.

The application of the provisions of the two preceding paragraphs shall be subject only to such restrictions as may be necessary for the maintenance of public security and order, or as may result from the enforcement of the constitutional law of any of the Powers exercising authority in African territories.

Article 14. States exercising authority over African territories, and other States, Members of the League of Nations, which were parties either to the Act of Berlin or to the Act of Brussels or the Declaration annexed thereto, may adhere to the present Convention. The Signatory Powers will use their best endeavors to obtain the adhesion of these States. . . .—*Convention revising the General Act of Berlin, February 26, 1885, and the General Act and Declaration of Brussels, July 2, 1890.*

The High Contracting Parties will use their best endeavors to secure the accession to the present Convention of other States, Members of the League of Nations. . . .—Art. 23, *Convention for the Control of the Trade in Arms and Ammunition.*

Poland [Czecho-Slovakia,<sup>1</sup> Serb-Croat-Slovene State,<sup>2</sup> Rumania<sup>3</sup>] undertakes to make no treaty, convention or arrangement, and to take no other action, which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

Poland [etc.] also undertakes to extend to all the Allied and Associated States any favors or privileges in customs matters which she may grant during the same period of five years to any State with which, since August, 1914, the Allies have been at war, or to any State which may have concluded with Austria special customs arrangements as provided for in the Treaty of Peace to be concluded with Austria.—Art. 15, *Treaty of Peace with Poland.*

Pending the conclusion under the auspices of the League of Nations of a general convention to secure and maintain freedom of communica-

<sup>1</sup>Art. 17.

<sup>2</sup>Art. 13.

<sup>3</sup>Art. 13.



tions and of transit, Poland [Czecho-Slovakia,<sup>1</sup> Serb-Croat-Slovene State,<sup>2</sup> Rumania<sup>3</sup>] undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons, and mails in transit to or from any Allied or Associated State over Polish [etc.] territory, including territorial waters, and to treat them at least as favorably as the persons, goods, vessels, carriages, wagons and mails respectively of Poland [etc.] or of any other more favored nationality, origin, importation or ownership, as regards facilities, charges, restrictions and all other matters.

All charges imposed in Poland [etc.] on such traffic in transit shall be reasonable, having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties. Tariffs for transit traffic across Poland [etc.] and tariffs between Poland [etc.] and any Allied or Associated Power, involving through tickets or way-bills, shall be established at the request of that Allied or Associated Power.

Freedom of transit will extend to postal, telegraphic, and telephonic services.

It is agreed that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject matter.

If within a period of five years from the coming into force of the present treaty no general convention as aforesaid shall have been concluded under the auspices of the League of Nations, Poland [etc.] shall be at liberty at any time thereafter to give twelve months' notice to the Secretary-General of the League of Nations to terminate the obligations of this article.—Art. 17, *Treaty of Peace with Poland*.

All rights and privileges accorded by the foregoing articles to the Allied or Associated States shall be accorded equally to all States Members of the League of Nations.—Art. 20, *Treaty of Peace with Poland*.

Article 21, Treaty with Czecho-Slovakia, *mutatis mutandis*; Article 16, Treaty with the Serb-Croat-Slovene State, Article 17; Treaty with Rumania, *mutatis mutandis*.

## 6. REGISTRATION WITH THE SECRETARY-GENERAL

If the capturing officer, or the authorities to whom he is subject, do not accept the decision or contest the amount of the compensation awarded [for detention of a vessel engaged in trade in arms and ammunition], the dispute shall be submitted to a court of arbitration consisting of one arbitrator appointed by the Government whose flag the vessel was flying,

<sup>1</sup>Art. 19; omits "including territorial waters."

<sup>2</sup>Art. 15.

<sup>3</sup>Art. 15.



one appointed by the Government of the capturing officer, and an umpire chosen by the two arbitrators thus appointed. . . .

The decision shall be communicated to the Central Office and to the Secretary-General of the League of Nations.—Art. 21, *Convention for the Control of the Trade in Arms and Ammunition*.

The High Contracting Parties who exercise authority over territories within the prohibited areas and zone specified in Article 6 agree to take, so far as each may be concerned, the measures required for the enforcement of the present Convention, and in particular for the prosecution and repression of offenses against the provisions contained therein.

They shall communicate these measures to the Central Office and to the Secretary-General of the League of Nations, and shall inform them of the competent authorities referred to in the preceding Articles.—Art. 22, *Convention for the Control of the Trade in Arms and Ammunition*.

## 7. REFERENCES TO LEAGUE

In the case of the former German territories, including colonies, protectorates or dependencies, administered by a Mandatory under Article 22 of Part I (League of Nations) of the present Treaty, neither the territory nor the Mandatory Power shall be charged with any portion of the debt of the German Empire or States.

All property and possessions belonging to the German Empire or to the German States situated in such territories shall be transferred with the territories to the Mandatory Power in its capacity as such and no payment shall be made nor any credit given to those Governments in consideration of this transfer.

For the purposes of this Article the property and possessions of the German Empire and of the German States shall be deemed to include all the property of the Crown, the Empire or the States and the private property of the former German Emperor and other Royal personages.—Art. 257, *Treaty of Peace with Germany*.

The obligations imposed by the preceding provisions [aerial navigation] shall remain in force until January 1, 1923, unless before that date Germany shall have been admitted into the League of Nations or shall have been authorized, by consent of the Allied and Associated Powers, to adhere to the Convention relative to Aerial Navigation concluded between those Powers.—Art. 320, *Treaty of Peace with Germany*.

Article 283, Treaty of Peace with Austria, and Article 211, Treaty of Peace with Bulgaria, *mutatis mutandis*.

Except where otherwise provided in the present Treaty, in all cases where the Treaty provides for the settlement of a question affecting

particularly certain States by means of a special convention to be concluded between the States concerned, it is understood by the High Contracting Parties that difficulties arising in this connection shall, until Austria is admitted to membership of the League of Nations, be settled by the Principal Allied and Associated Powers.—Art. 380, *Treaty of Peace with Austria*.

The British Dominions and India are deemed to be States for the purposes of the present Convention.

Protectorates, or territories administered by the League of Nations or placed under its control, are, for the purposes of the present Convention, deemed to form part of the Protecting or Mandatory States, both as regards their territory and as regards their nationals.—Art. 41, *International Air Navigation Convention*.

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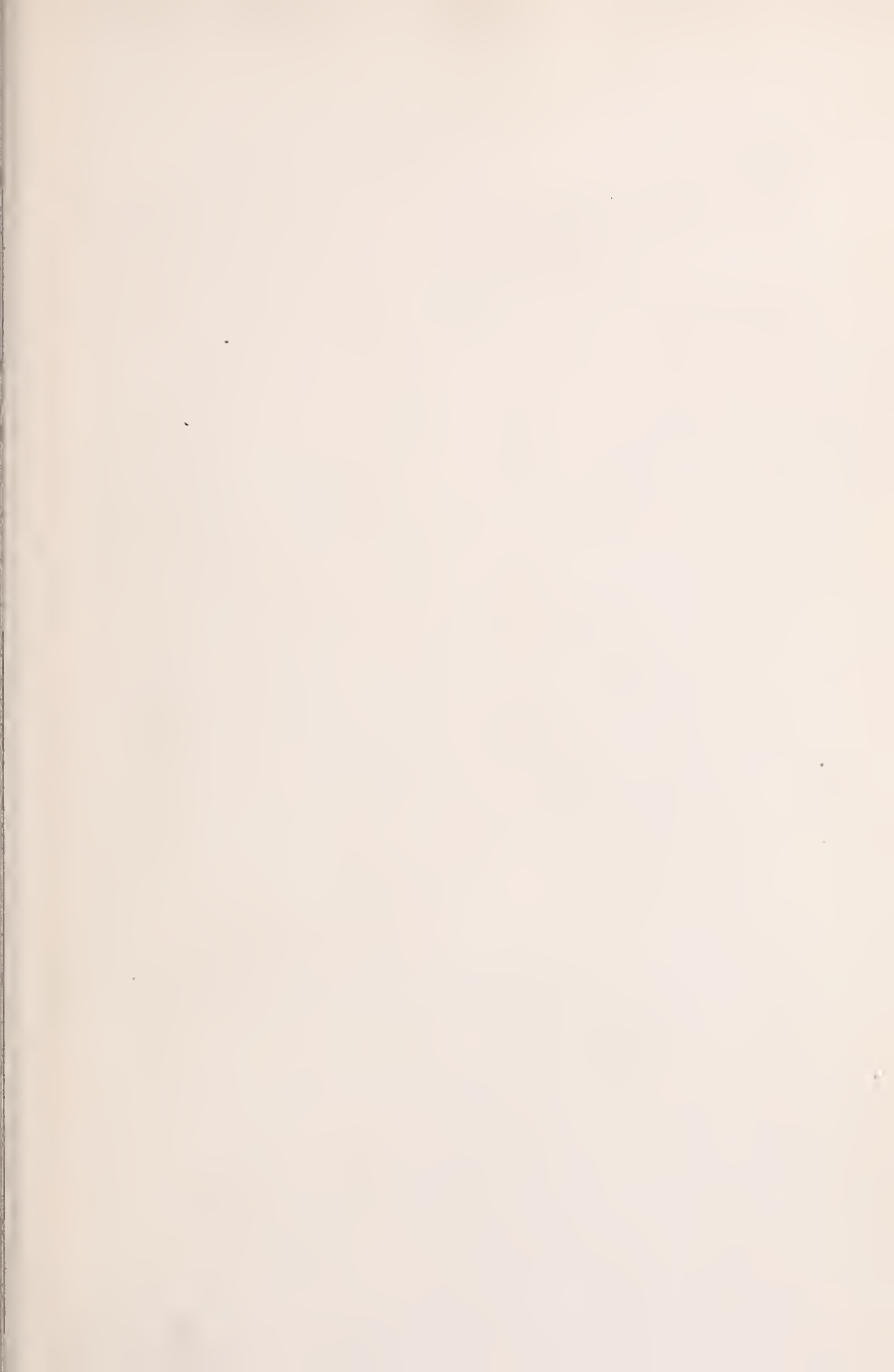
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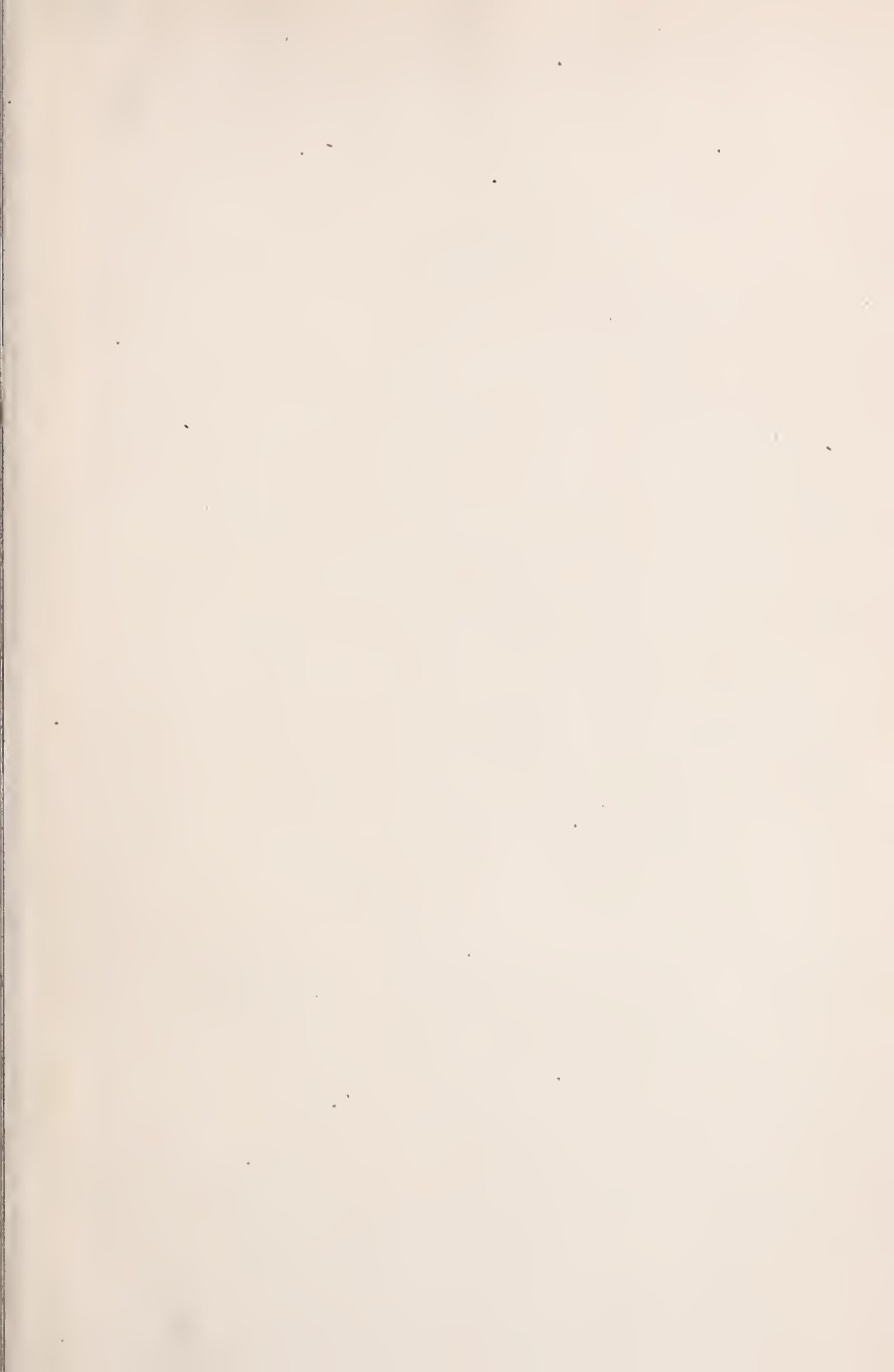
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